

Approved For Release 2002/01/02 : CIA-RDP76M00527R000700060020-6

11/12/74

GLC--

As discussed at the legislation meeting today, the Buckley amendment with which FR is having some problems.

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Provisions of the "Family Educational  
Rights and Privacy Act of 1974"

Sec. 438(a)(1) No federal funds to any school which prevents parents from examining all school records on their children.

(2) Parents shall have the opportunity for a hearing to challenge contents of school records.

(b)(1) No federal funds to any school which has a policy of permitting the release of personally identifiable records or files of students, without written consent of the parents to any individual or agency, other than

(A) other school officials with legitimate interest

(B) official of a school to which student is applying for admission

(C) representatives of Comptroller General, HEW, other education agency

(D) in connection with student's application for financial aid

(2) No federal funds to any school which has a policy or practice of furnishing any personally identifiable information contained in personal school records, except those above [(b)(1)(A)-(D)], unless

(A) written consent from parents specifying records to be released, and to whom, and reasons for release, or

(B) information is released pursuant to judicial order

(3) Nothing in this section shall preclude responsible authorities from conducting an audit.

(4)(A) With respect to sections (b)(1)-(b)(3), all persons desiring access to records shall be required to sign a form in the student's file, stating the legitimate purpose of reviewing the student's records. Form shall be available for inspection by student or parent.

(4)(B) Personal information shall only be made available to a third party on the condition that the person granted access will not transfer the information to any other person, without student's or parent's consent.

(c) HEW shall adopt regulations to protect privacy of students and families in connection with survey or data-gathering activities.

(d) Consent required in this section of parents shall only be required of students, if the student is 18 years old or is taking post-secondary education.

(e) No federal funds unless recipients inform parents and students of their rights under this section.

(f) HEW shall take necessary action to enforce.

(g) HEW shall establish an office to review and adjudicate alleged violations.

Section shall become effective 90 days after enactment (November 19).

# Daily Digest

## HIGHLIGHTS

Senate continued to work on elementary and secondary education bill.

House passed productivity commission bill.

House committees ordered reported eight sundry measures, including bill to regulate surface coal mining operations; and Sugar Act Amendments.

## Senate

### Chamber Action

*Routine Proceedings, pages S 7877-S 8009*

**Bills Introduced:** 12 bills and 1 resolution were introduced, as follows: S. 3488-3499; and S. Con. Res. 85.

*Pages S 7881-S 7882, S 7905-S 7906*

**Bill Reported:** Report was made as follows:

H.R. 11864, to accelerate development and use of solar energy for heating and cooling, with amendments (S. Rept. 93-847) (Committees on Commerce and Interior and Insular Affairs were considered as having been discharged from the further consideration of this bill).

*Page S 7905*

**Measures Passed:**

**First Continental Congress:** Senate agreed to S. Con. Res. 85, proclaiming October 14, 1974, a Day of National Observance of the 200th Anniversary of the First Continental Congress.

*Pages S 7881-S 7882, S 8081*

**Military enlistment qualifications:** Senate took from calendar, passed without amendment, and cleared for the White House H.R. 3418, to establish uniform original enlistment qualifications for male and female persons.

*Pages S 8008-S 8009*

**Energy and environment:** Senate took from desk, and by voice vote, passed H.R. 14368, proposed Energy Supply and Environmental Coordination Act of 1974, after agreeing to Muskie amendment No. 1303, in the nature of a substitute.

*Page S 8009*

Senate insisted on its amendment, requested conference with the House, and appointed as conferees Senators Randolph, Muskie, Montoya, Baker, Buckley, Jackson, Bible, and Fannin.

*Pages S 8009-S 8032*

**Elementary and Secondary Education:** Senate continued consideration of S. 1539, to amend and extend certain laws relating to elementary and secondary education programs, taking action on amendments proposed thereto, as follows:

Adopted:

(1) Hathaway amendment to provide a study of income levels of families living in impacted aid areas;

*Page S 8034*

(2) Modified Dominick amendment (to McClellan amendment No. 1304) authorizing an additional \$75 million in title I funds to be divided among the States on the basis of their local financial support of schools above the national average;

*Page S 8057*

(3) Sections A, C, and D of modified Buckley amendment No. 1289, providing for the protection of the rights and privacy of parents and students; and

*Page S 8064*

(4) Buckley amendment No. 1306, to provide that refusal by a school district to circulate certain questionnaires is not sufficient cause to suspend Federal assistance.

*Page S 8081*

**Rejected:**

(1) By 41 yeas to 47 nays, Scott of Pennsylvania amendment (to McClellan amendment No. 1304) to count all, rather than two-thirds, of AFDC (aid to families with dependent children) children above the so-called Orshansky level;

*Page S 8059*

(2) By 35 yeas to 49 nays, Stevens amendment to delete section C (to Buckley amendment No. 1289) setting conditions for the release of personal data; and

*Page S 8079*

(3) By 40 yeas to 43 nays, section B (of Buckley amendment No. 1289), to provide that no student be required to reveal information about his personal or family life without parental consent.

*Page S 8081*

*Pages S 8032-S 8083*

**Treaty Received:** Protocols for the extension of the Wheat Trade Convention and the Food Aid Convention constituting the International Wheat Agreement, 1971 (Ex. C, 93d Cong., 1st sess.) were received, the injunction of secrecy removed therefrom, and the protocols, together with accompanying papers, were referred to Committee on Foreign Relations.

*Page S 8091*

**Confirmations:** Senate confirmed the following nominations:

Russell J. Hawke, Jr., of North Carolina, to be Federal Cochairman of the Coastal Plains Regional Commission;

Mr. ROTH. Does the Senator anticipate any votes tonight?

Mr. ROBERT C. BYRD. I would assume there will be votes on the Buckley amendments yet today.

Mr. ROTH. No votes were held until 4 o'clock this afternoon. I asked yesterday that my rights be protected, as I have a speaking engagement tonight. So if there is a further vote tonight, I intend to object.

Mr. ROBERT C. BYRD. The Senator has a right to object. I would hope that he would not hold the entire Senate hostage with regard to progress just on the basis that he has a speaking engagement tonight.

Mr. ROTH. I would point out to the majority whip that no votes were held until 4 o'clock today and that this matter was taken up on yesterday in order to protect my rights.

Mr. ROBERT C. BYRD. My understanding is that this is election day in certain parts of the country. The same request may be made when the Senator from Delaware is involved in an election. The leadership on both sides would try to be accommodating to him in such event.

Mr. GRIFFIN. It is altogether possible, is it not, that if we could discuss the Buckley amendments now, they would not take too long and we could handle, perhaps, at least one vote tonight.

Mr. ROBERT C. BYRD. Exactly. The Senator from New York (Mr. BUCKLEY) is usually very brief in the explanation of his amendments. It is possible that we can dispose of them.

The PRESIDING OFFICER (Mr. TURNER). Is there objection to the unanimous-consent request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BUCKLEY. Mr. President—

Mr. ROBERT C. BYRD. I thank all Senators.

Mr. JAVITS. Mr. President, may we know—

Mr. ROBERT C. BYRD. Mr. President, will the Chair please maintain order in the Senate and ask Senators to take our seats?

The PRESIDING OFFICER. The Senate will please be in order. The Chair was recognizing the junior Senator from New York (Mr. BUCKLEY).

Mr. BUCKLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. JAVITS. I am afraid my time is up. Could we do it on the bill or accommodate the Senator under unanimous consent without it being charged to either side for the quorum?

Mr. BUCKLEY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent again that time on any rollcall vote today be limited to 10 minutes, with the warning bells to be sounded after the first 2½ minutes. This will help the Senator from Delaware (Mr. ROTH).

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, on the same conditions as were previously stated by the able Senator from New York.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

May I ascertain whether I have any time on this amendment? I yielded here for the purpose of trying to get a unanimous-consent agreement. I yielded my time or I yielded time for that.

The PRESIDING OFFICER. The Senator from Arkansas has 4 minutes remaining.

Mr. McCLELLAN. Four minutes. I thank the Chair. I yield 1 minute to the distinguished Senator from Maryland.

Mr. MATHIAS. Mr. President, I ask unanimous consent that Colby King may have permission to be on the floor during the process of this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, will the Senator from New York yield to me?

Mr. JAVITS. I yield.

The PRESIDING OFFICER. The Senator from New York (Mr. JAVITS) has no time—

Mr. McCLELLAN. Mr. President, I ask unanimous consent to add the name of Senator Cook of Kentucky as a cosponsor of the McClellan amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Now I would ask the Senator from New York (Mr. JAVITS), would he tell me briefly what his amendment does? Does it take any money from the States and give it to Puerto Rico?

Mr. JAVITS. If Puerto Rico, under this amendment, would get more than 2 percent of the appropriation—I am told they may get as much as 3 or 4 percent, but if it takes more than 2 percent, then it takes a small sum away, because if we treat Puerto Rico as a State, it may do better than 2 percent which we deduct out of the 3 percent.

Mr. McCLELLAN. Why was this not done in committee? I do not know how to determine this on such short notice, I really do not.

Mr. JAVITS. If the Senator wishes, this matter can be held overnight or, if necessary, we can have a rollcall vote on it. We will have a 10-minute rollcall

vote on it immediately before the Buckley amendments.

Mr. McCLELLAN. Give us 5 or 10 minutes on the—

Mr. ROBERT C. BYRD. Mr. President, if we are not careful, we are going to get in one h-e-c-k of a fix tomorrow on the Gurney amendment. The Senator was here when we entered into the agreement. I hope we will not abuse that agreement—

Mr. JAVITS. If the Senator needs a few minutes to consider it, I would ask unanimous consent that I may yield for 10 minutes to the junior Senator from New York (Mr. BUCKLEY) to discuss whatever amendments he brings up, with leave to present this amendment and then to return to the amendment which I have pending.

The PRESIDING OFFICER. Is the Senator for yielding time from the bill?

Mr. JAVITS. I cannot yield time. He has got to do it on his own time. I ask unanimous consent, Mr. President, that I may lay aside the amendment which I have pending for 10 minutes and then return to it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York (Mr. JAVITS)? The Chair hears none, and it is so ordered.

Mr. GRIFFIN. Mr. President, reserving the right to object, I did not understand that the Senator from New York had an amendment pending.

Mr. JAVITS. I do.

Mr. GRIFFIN. Is there a time limitation on it?

Mr. JAVITS. Yes; there is a time limit on it of 30 minutes. My time has expired but Senator McCLELLAN's time has not. I could get time from the bill, of course.

Mr. McCLELLAN. I have only 2 more minutes remaining because I yielded my time trying to get the unanimous-consent agreement.

Mr. PELL. Mr. President, I am delighted to yield 10 minutes if it will help us move along on the pending bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

The junior Senator from New York (Mr. BUCKLEY) is now recognized.

#### AMENDMENT NO. 1289

Mr. BUCKLEY. Mr. President, I call up my amendment No. 1289 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 330, between lines 17 and 18, insert the following new section:

#### "PROTECTION OF THE RIGHTS AND PRIVACY OF PARENTS AND STUDENTS

"SEC. 437. (a) RIGHT OF ACCESS AND OF A HEARING.—(1) No funds shall be made available under any applicable program to any State or local educational agency, any institution of higher education, any community college, any school, preschool, or any other educational institution which has a policy of denying, or which effectively prevents the parents of students under eighteen years of age attending any school of such agency, or attending such institution of higher education, community college, school, preschool, or other educational institution, the right to

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inspect and review any and all official records, files, and data directly related to their children, including all material that is incorporated into each student's cumulative record folder, and intended for school use or to be available to parties outside the school or school system, and specifically including, but not necessarily limited to, identifying data, academic work completed, level of achievement (grades, standardized achievement test scores), attendance data, scores on standardized intelligence, aptitude, and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified reports of serious or recurrent behavior patterns. Where such records or data include information on more than one student, the parents of any student shall be entitled to receive, or be informed of, that part of such record or data as pertains to their child. Each recipient shall establish appropriate procedures for the granting of a request by parents for access to their child's school records within a reasonable period of time, but in no case more than forty-five days after the request has been made.

"(2) Parents shall have an opportunity for a hearing to challenge the content of their child's school records, to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

"(b) PARENTAL CONSENT.—(1) No student shall, as a part of an applicable program, be required to undergo medical, psychological, or psychiatric examination, testing, or treatment, or immunization (except to the extent necessary to protect the public from epidemics of contagious diseases), or to reveal information about his or her personal or family life without the prior, informed, written consent of the student's parents.

"(2) No student shall, as a part of any applicable program, be required, without the prior, informed, written consent of the student's parents, to participate in any project program, or course, the primary purpose or principal effect of which is to affect or alter the personal behavior or personal values of a student, or to explore and develop teaching techniques or courses primarily intended to affect such behavior and values.

"(3) Parents shall be informed, reasonably in advance and in writing, of the intended participation of their child in any research or experimentation project which is a part of an applicable program. No child shall participate in such a project if the parents of such child object to such participation.

"(4) As used in this subsection the term 'research or experimentation project' means any project or program which is a part of an applicable program, and which is authorized by an administrative officer of an education agency, a State or local education agency, or any education institution, including preschools, for the purpose of research or experimentation, except that research or experimentation projects shall not include projects in the field of reading or bilingual education, as determined by the Commissioner.

"(c) CONDITIONS FOR THE RELEASE OF PERSONAL DATA.—(1) No funds shall be made available under any applicable program to any State or local education agency, any institution of higher education, any community college, any school, preschool, or any other educational institution which has a policy of permitting the release of records or files (or personal information contained therein) of students without the written consent of their parents to any individual, agency, or organization, other than the following—

"(A) other school officials, including teachers within the educational institution or local educational agency who have legitimate educational interests;

"(B) to officials of other schools or school systems in which the student intends to enroll, upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record.

"(2) No funds shall be made available under any applicable program to any State or local educational agency, any institution of higher education, any community college, any school, preschool, or any other educational institution which has a policy or practice of furnishing, in any form, any information contained in personal school records, to any persons other than those listed in subsection (c) (1) unless—

"(A) there is written consent from the student's parents specifying records to be released, the reasons for such release, and to whom, and with a copy of the records to be released to the student's parents and the student if desired by the parents, or

"(B) such information is furnished in compliance with judicial order, or pursuant to any lawfully issued subpoena, upon condition that parents and the students are notified of all such orders or subpoenas in advance of the compliance therewith by the education institution or agency.

"(3) In any case in which the Secretary or an administrative head of an education agency is authorized under any applicable program to request or require any State or local educational agency, any institution of higher education, any community college, any school, preschool, or any other educational institution to submit to a third party (or to the Secretary or an administrative head of an education agency, as defined in section 409 of this Act) any data from personal statistics or records of students, such data shall not include the names of students or their parents (in code or otherwise) without the written consent of the student's parents, except—

"(A) in connection with a student's application for financial aid;

"(B) in compliance with any court order, or pursuant to any lawfully issued subpoena, if the parents and students are notified of any such order in advance of the compliance therewith by the State or local educational agency, the institution of higher education, the community college, the school, preschool, or other educational institution.

"(4) (A) With respect to subsections (c) (1) and (c) (2) and (c) (3), all persons, agencies, or organizations desiring access to the records of a student shall be required to sign a written form which shall be kept permanently with the file of the student, but only for inspection by the parents or student, indicating specifically the legitimate educational or other interest that each person, agency, or organization has in seeking this information. Such form shall be available to parents and to the school official responsible for record maintenance as a means of auditing the operation of the system.

"(4) (B) With respect to this subsection, personal information shall only be transferred to a third party on the condition that such party will not permit any other party to have access to such information without the written consent of the parents of the student.

"(d) PROTECTION OF PERSONAL DATA.—The Secretary shall adopt appropriate regulations to protect the rights of privacy of students and their families in connection with any surveys or data-gathering activities conducted, assisted, or authorized by the Secretary or an administrative head of an education agency (as defined in section 409

of this Act). Regulations established under this subsection shall include provisions controlling the use, dissemination, and protection of such data. No survey or data-gathering activities shall be conducted by the Secretary, or an administrative head of an education agency have responsibilities under an applicable program unless such activities are authorized by the Act establishing such a program.

"(e) For the purposes of this section, whenever a student has attained eighteen years of age, the permission or consent required of and the rights accorded to the parents of the student shall thereafter only be required of and accorded to the student.

"(f) No funds shall be made available under any applicable program unless the recipient of such funds informs the parents of students, or the students, if they are eighteen years of age or older, of the rights accorded them by this section.

"(g) The Secretary, or an administrative head of an education agency, shall take appropriate actions to enforce provisions of this section and to deal with violations of this section, according to the provisions of this Act.

"(h) The Secretary shall establish or designate an office and review board within the Department of Health, Education, and Welfare the purpose of investigating, processing, reviewing, and adjudicating violations of the provisions of this section and complaints which may be filed concerning alleged violations of this section, according to the procedures contained in subsections (c) and (d) of section 421 of this Act.

"(i) With respect to any funds obligated prior to the effective date of this section to any State or local educational agency, any institution of higher education, any community college, any school, preschool, or any other educational institution, continued furnishing of such funds shall cease January 1, 1975, if the recipient has failed to meet the conditions for funding established by this section.

"(j) The provisions of this section shall become effective ninety days after the date of enactment of this Act.

"(k) This section may be cited as the 'Family Educational Rights and Privacy Act of 1974.'

On page 122, in the table of contents, after the item "Sec. 512" insert the following:

"Sec. 513. Protection of the rights and privacy of parents and students."

Mr. BUCKLEY. Mr. President, I send to the desk two perfecting amendments. Through some oversight the printing office failed to include two provisions in the amendment.

The PRESIDING OFFICER. Does the Senator from New York ask unanimous consent that his amendment be so modified?

Mr. BUCKLEY. Mr. President, yes, I so request.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment is so modified.

The text of the perfecting amendments is as follows:

On page 1, between lines 2 and 3, insert the following:

PROTECTION OF THE RIGHTS AND PRIVACY OF PARENTS AND STUDENTS

Sec. 513. Part C of the General Education Provisions Act is amended by adding at the end thereof the following new section:

On page 4, line 23, after the word "other" insert the word "local".

Mr. BUCKLEY. Mr. President, as more stories come out in the media about the abuses of personal data by schools and

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Government agencies, the public and Congress have become increasingly aware of the problems such abuses pose. In addition, the revelations coming out of Watergate investigations have underscored the dangers of Government data gathering and the abuse of personal files, and have generated increased public demand for the control and elimination of such activities and abuses. It is appropriate, therefore, that we take this opportunity to protect the rights of students and their parents and to prevent the abuse of personal files and data in the area of federally assisted educational activities.

Many absurd and sometimes tragic examples of similar abuses exist. Let me recount one of the cases described in the recent article, "How Secret School Records Can Hurt Your Child," in Parade magazine:

The parents of a junior high student are told their daughter won't be able to attend graduation ceremonies because she's a "bad citizen." What has she done that's bad, the parents ask? Well, the principal says, the school had a whole file on her "poor citizenship," but the parents can't know what's in that file. In this Catch-22 case, one of the few to get a legal hearing, the New York State Commissioner of Education, Ewald B. Nyquist, stated flatly that the school's argument that it was acting in the best interest of the student in refusing to reveal the information to the parents—had no merit. The commissioner concluded: "It is readily apparent that no one had a greater right to such information than the parents."

When parents and students are not allowed to inspect school records and make corrections, numerous erroneous and harmful material can creep into the records. Such inaccurate materials can have devastatingly negative effects on the academic future and job prospects of an innocent, unaware student.

Many examples of abuses can be found in recent letters to the National Committee for Citizens in Education which has for a long time carried on the fight for the right of parents to have access to their children's records by alerting and assisting parents across the Nation. I would like to take this opportunity to commend that committee for its dedicated efforts, and to mention that the NCCE will very shortly publish a major study entitled "Children, Parents and School Records." It is must reading for anyone who is concerned with the issue of privacy and the schools.

Violations of the privacy of students and their parents occur daily in schools across the Nation, through courses requiring the student to reveal personal data and feelings, and by means of demands by the Federal Government for personal information on students and parents. The recent refusal of the District of Columbia School Board to refuse to administer a battery of tests, despite a threat by the Federal Office of Education to cut off nearly \$6 million in Federal funds to the city's public school system, is a good case in point. The superintendent of the schools, Barbara Sizemore, charged that many items in the tests, which are required in other

school districts around the Nation, are a violation of privacy and could cause psychological damage to students.

The New York City School Board refused to comply with a similar demand. Dr. Seymour Lachman, president of the school board, said that the original demand "violated the confidentiality of student records" and that, lacking proper safeguards, the data might be misused or abused. He added that:

These kinds could have been categorized, codified, and stereo-typed for life on the basis of information put on the tape while they were in school.

In addition to being denied access to their children's school records, parents are often unable to readily review the instructional materials in various courses in which their children are enrolled. And often they are not asked to give their consent before their child is given very personal or psychological tests, or participate in experimental programs or attitude-affecting courses.

The secrecy and the denial of parental rights that seem to be a frequent feature of American education is disturbing. Some school administrators and educators seem to have forgotten that parents have the primary legal and moral responsibility for the upbringing of their children and only entrust them to the schools for basic educational purposes.

Some educators seem to feel that they know much more about the welfare and best interests of the child than do the parents, and therefore, once a child comes under their sway, they think they have the right to do what they themselves think is best for the child, without regard for values and beliefs of the parents.

The world-famous child psychiatrist, John Bowlby, noted in an interview concerning the care of young children last year, that:

The criticizing of parents and taking the children out of the home and putting them into the schools as is being commonly suggested these days actually undermines the parental confidence in the parents' own role, and in their potential role. There is entirely too much criticism. The educators are guilty of undermining the home rather than building it up.

There has been an increasing chorus of complaints from parents in the last few years about just such attitudes and actions on the part of some educators. The sense of a loss of control over one's life and destiny, which many social commentators say is growing amongst our citizens, seems to be increasingly felt by parents with respect to the upbringing of their own children.

Such elitist and paternalistic attitudes reflect the widening efforts of some, both in and out of Government, to diminish the rights and responsibilities of parents for the upbringing of their children, and to transfer such rights and functions to the State—to separate, figuratively, and in some cases, literally, the child from his parents, and to turn him over to the care of the State, as represented by schools and other arms of its administration.

My amendment seeks to restore parental rights and to protect privacy. It will:

First, help insure that parents have the right of access to their children's school records;

Second, help prevent the abuse and improper disclosure of such records and personal data on students and their parents;

Third, require parental consent before such records are disclosed to most third parties;

Fourth, require parental consent or notification before their children are made to undergo certain forms of testing or partake in certain experimental or attitude-affecting programs or activities; and

Fifth, make instructional materials used in the classroom available for review by parents upon request.

In addition, my amendment requires the Secretary of HEW to adopt appropriate safeguards to protect the rights and privacy of students and their families in regard to Government authorized surveys and other data gathering activities.

My amendment broadens the protection of civil rights to include the civil rights of parents and students vis-a-vis the schools. As a matter of fact, a recent Federal court decision has made the civil rights aspect of privacy and parental consent more explicit.

The case was Merriken against Cressman, heard in the U.S. District Court of Eastern Pennsylvania last fall. Let me quote from the summary of the case in "The United States Law Week" of October 16, 1973:

A school district proposed to use a program entitled, Critical Period of Intervention (CPI) for the purpose of identifying potential drug abusers among its eighth-grade students. Additionally, the program would "prepare the necessary interventions, identify resources to train and aid the district personnel to remediate the problems and, finally, to evaluate the results." Parental consent is a prerequisite to a student's participation in the program. Such consent is solicited by a letter which is admittedly, a "selling device" and "an attempt to convince the parent to allow the child to participate."

Two child psychiatrists testified without contradiction as to several \* \* \* dangerous aspects of the CPI Program, none of which are mentioned \* \* \* in any of the materials to be made available to parents. These dangers include the risk that the CPI Program will operate as a self-fulfilling prophecy in which a child labeled as a potential drug abuser will by virtue of a label decide to be that which people already think he or she is anyway \* \* \*. Another danger mentioned is that of scapegoating in which a child might be marked out by his peers for unpleasant treatment either because of refusal to take the CPI test or because of the result of the test. Additionally, there is a "severe loyalty conflict that might result by asking children the types of personal questions about their relationship with parents and siblings which are included in the CPI questionnaire." Finally the qualifications of the school district personnel who will administer the interventions once potential drug abusers have been identified are woefully inadequate.

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The court found that the confidentiality of the program broke down when the school superintendent was informed of the potential drug abusers, who were then required to undergo attempted psychological remediation by ill-trained faculty members. But, said the Judge:

The ultimate use of this information, although possibly gained with a great deal of scientific success, is the most serious problem that faces the Court. How many children would be labeled as potential drug abusers who in actuality are not, and would be subjected to the problem of group therapy sessions conducted by inexperienced individuals?

Strict confidentiality is not maintained after evaluation and there are many opportunities for a child to suffer insurmountable harm from a labeling when the cruelty of other children is at an extreme. The seriousness of this problem is illustrated by the fact that if one child is so harmed and would be temporarily or permanently damaged by the label of "drug abuser," is this Program worth the effort to identify other actual "drug abusers."

When a program talks about labeling someone as a particular type and such a label could remain with him for the remainder of his life, the margin of error must be almost nil.

The court found that the potential for harm of this program outweighed any good that might accrue, and concluded as a matter of law that the CPI program violated the right of each student and his parents to privacy inherent in the penumbra of the Bill of Rights of the U.S. Constitution.

This case is a microcosm of the problems addressed by my amendment—the violation of privacy by personal questionnaires, violation of confidentiality and abuse of personal data—with its harm to the individual—and the dangers of ill-trained persons trying to remediate the alleged personal behavior or values of students. It describes the potential harm that can result from poorly regulated testing, inadequate provisions for the safeguarding of personal information, and ill-devised or administered behavior modification programs.

In fact, it shows that even the requirement of parental consent can be an inadequate safeguard in the face of the slick and deceptive selling techniques of some educators. Yet, at least the requirement of parental consent informs the parents, to some extent, about what is being done with and to their children in schools, and it offers the best available protection against educational abuses that I can think of. Additionally, it will encourage schools to improve these types of programs and to eliminate the potential for abuses beforehand, thereby tending to reduce the future occurrences of irate parents going to court because of shoddy and harmful programs in the schools.

If anyone doubts the seriousness of the problem, I direct their attention to a recent communication from the National Education Association (NEA) in which that organization announced its opposition to my amendment which would require school officials to obtain prior, written, informed consent whenever the school official

children subjected to a project, program or course, the primary purpose or principle of which is to affect or alter the personal behavior or personal values of a student. Mr. President, I would like to point out the implication of the NEA's position. It is their position that as between the parent and the school official, the latter has the more fundamental right to determine whether the child should be subject to programs of behavior alteration and value modification.

Beneath such a position is a very serious threat to the traditional notion long respected by this Nation that it is the parents who are ultimately responsible for the welfare of their children. It borders on shocking that one of the national organizations representing educators would move to have the Senate oppose a reaffirmation of this important and real parental right. Further, the attempt to characterize the amendment as one which intends to curtail freedom of expression between child and teacher is incredible. It is more accurate to conclude that it is the NEA's position that the teacher should come between parents and child on such important matters as school programs, the primary purpose at which is behavior modification and values alteration.

I would respectfully suggest, Mr. President, that the burden to secure consent of the parent is not too great. Surely, most conscientious teachers would have no problem gaining the consent of a parent providing the teacher has demonstrated the worth of his proposal. To suggest otherwise is to insult the parent and underestimate the resources of America's educators.

Some may argue that my amendment will create too much additional work and redtape for schools and the educational bureaucracy. To that argument I must reply that I am not so much concerned about the workload or convenience of the educational bureaucracy but, rather, with the personal rights of America's children and their parents. I believe that their rights should properly take such priority in whatever educational legislation the Senate, in its wisdom, shall enact.

It has been argued that portions of my amendment would throttle innovation and virtually close down title III and other innovative educational efforts sponsored by the Federal Government. This is surely not the intent of my amendment, nor would it be the effect. My amendment simply gives individual parents the right to be informed about out-of-the-ordinary federally funded programs in which their child might participate, and assures the parents the right not to have their particular child participate if they find such a program objectionable. Granted that there will be some inconveniences and logistical problems involved in this. But what sufficient reason is there for anyone to stand up and say that parents must be denied these rights? What do the schools and the Federal agencies have to hide?

As a matter of fact, my amendment need not create undue problems. For example, the Russell Sage Foundation

entitled, "Guidelines for the Collection, Maintenance, and Dissemination of Pupil Record," which included samples of simple forms that could be mailed to parents to obtain their permission for certain activities with regard to their children. I would also further note that many schools and a number of States already routinely require the prior consent of parents on a number of matters, including both special testing and some special programs or projects, such as drug programs or sex education.

Permit me to add, also, that many elements of my amendment follow the recommendations of the report of the Secretary's Advisory Committee on Automated Personal Data Systems at HEW, entitled "Records, Computers, and the Rights of Citizens."

Equally important as the other effects of my amendment is the likelihood that the obligation to inform parents will begin to close the gap of hostility that too often exists between parents and teachers, each distrusting the other. The increased openness and communication with parents on the part of the schools which would follow from my amendment would enhance parental interest and involvement in their children's education, and in the long run could lead to improved education and more harmonious school-community relations.

Mr. President, it is time for the U.S. Senate to take a stand in favor of, and to act to protect the rights and privacy of parents and students where the Federal Government and Federal funds are involved. Therefore, I urge the Senate to give favorable consideration to my amendment.

I reserve the remainder of my time.

Mr. MATHIAS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Under the unanimous-consent request, the Senate must return to consideration of the Javits amendment.

Mr. JAVITS. I yield myself 2 minutes on the bill.

After discussion with Senator PELL, I wish to state the following facts: One, Puerto Rico is treated as a State in the House, so the amendment will be in conference. Two, we should figure out exactly what the relationship would be of the poor children who would be covered in Puerto Rico, which we will do, compared to the other States, and see, therefore, whether my estimate of something a little more than 2 percent, but not substantially over that, is justifiable. I want to check that out. Three, I now ask the Chair to make a ruling on this: Notwithstanding the fact that a substantive question may be affected, an amendment may occur at a later part of the bill, notwithstanding the adoption, if it should be adopted, of the McClellan amendment, which may make a substantive change, provided it does not cover the same language which is contained in the McClellan amendment—whether another amendment, under the rules of the Senate, would lie at the end of the bill.

The PRESIDING OFFICER. So long as the amendment is redrafted, so long as it does not affect the text of the amendment, it would be in order.

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Mr. JAVITS. Under those circumstances, Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. PELL. Mr. President, we are on the Buckley amendment, with how much time on each side?

The PRESIDING OFFICER. The McClellan amendment is before the Senate at the moment. A unanimous-consent request would be in order to proceed to the Buckley amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the Buckley amendment, No. 1289.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. MATHIAS. Mr. President, will the Senator from New York yield me 3 minutes?

Mr. JAVITS. Yes, in opposition.

Mr. MATHIAS. I have some questions I would like to ask the distinguished junior Senator from New York, because I salute the thrust and the purpose which I think he seeks to accomplish by this amendment.

But I do want to be perfectly certain that I understand the practical effect of it. Turning to section 437(b)(1), page 3, I am wondering what effect this provision would have in the case of a student who was the victim of an accident in the school, or the victim of an accident on a playground. Would it prevent the school from arranging to have him immediately examined and medical treatment given to him?

Mr. BUCKLEY. No, of course not. Normal medical advice and hospital procedures usually require parental consent, and in those situations where the parents could not be contacted the treatment would be available.

Mr. MATHIAS. Would it not be necessary then, to have an exception because there is an exception in the general immunization, and I think the case of emergency treatment would have to be made in an excepted case or else the school would be under some jeopardy here.

Mr. BUCKLEY. I would be glad to ask unanimous consent to amend my amendment by inserting on line 11, page 3, following the word "immunization" the words "or emergency medical treatment."

The PRESIDING OFFICER. Is there objection to the Senator from New York modifying his amendment to that effect? The Chair hears no objection, and it is so ordered.

Mr. MATHIAS. If there were a course being given which is clearly a course which is causing the student to alter his behavior for the good, let us say in the matter of grooming, as the result of a course in civics, where he has become more interested in the system, and we have a course which is a positive influence on the student's life, would the Senator's amendment require the parents' "prior, informed, written consent" for that type course?

Mr. BUCKLEY. Quite obviously in one

sense all education has an affect on attitudes, and so forth. I believe there is a tacit rule of commonsense that applies to the interpretation and application of all legislation and I speak of courses, the primary purpose of which is to modify behavior.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. MATHIAS. Will the Senator yield to me for 3 additional minutes?

Mr. PELL. I yield.

Mr. BUCKLEY. So clearly the example of the Senator from Maryland would not be covered.

Mr. MATHIAS. Of course, my concern is that the language of the amendment might cover it. That is what gives me some uncertainty.

Let us pass to section 437(c)(1). Let us assume the unhappy possibility that a student is suspected of having bombed the chemistry laboratory and the FBI or another law enforcement agency comes into the school, let us say, without a judicial order. Would they be unable to examine the records or files of the student without the "prior, informed, written consent" of the student's parents?

Mr. BUCKLEY. I believe they should get a court subpoena to have access to the records.

Mr. MATHIAS. The amendment does not even provide for access with a subpoena without parental consent.

Mr. BUCKLEY. I refer to page 6, where it is stated:

In compliance with any court order, or pursuant to any lawfully issued subpoena, if the parents and students are notified of any such order in advance of the compliance therewith . . .

Mr. MATHIAS. The Senator is correct but also it would require the warrant or the written consent, even in the case I suggested.

Now, I wish to ask the Senator this question. Does the provision allow the use of any identification device other than the names of students or the names of parents?

Mr. BUCKLEY. No, it does not.

Mr. MATHIAS. So that would be the only possible identification, there could be no other identification of any sort?

Mr. BUCKLEY. No.

Mr. MATHIAS. And the Senator feels that that is a useful provision.

Finally, there are certain programs in which there is some testing, specifically, HEW through the National Institute of Education has made a grant to test and experiment with an educational voucher program. I am sure the Senator is familiar that such programs are now underway in California and Vermont.

Under this provision if the parents of a child object to the child's participation, then that child would not be able to take part. Is that correct?

Mr. BUCKLEY. That is correct.

Mr. MATHIAS. What will happen to a program of that sort?

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. MATHIAS. Mr. President, will the Senator from Maryland yield me 1 minute?

Mr. PELL. I yield 1 additional minute to the Senator from Maryland.

Mr. MATHIAS. What will happen to that child if the entire school is involved? What happens to that child when the whole school is involved, as in the case of California and Vermont? Does the child have to be withdrawn from that school and some alternative education provided?

Mr. BUCKLEY. That child would obviously be handled in the school as if he were not—in other words, his State directly would pay for that tuition.

Mr. MATHIAS. Then, the Senator's concept is that under this provision—

Mr. BUCKLEY. It would not abort the experiment.

Mr. MATHIAS. But the child would have to have some other education provided in some other location or in some other manner.

Mr. BUCKLEY. If a parent did not want to accept the voucher the child would continue to be educated in the school he attended.

Mr. MATHIAS. But if the whole system were committed to the program, there would be no other school for him to attend. That seems to be the nub of the problem.

Mr. BUCKLEY. I disagree. I do not believe it would be interpreted in that way.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, the junior Senator from New York and I have previously discussed this amendment. I ask unanimous consent that a letter from the National School Boards Association be inserted in the Record.

There being no objection, the letter was ordered to be printed in the Record as follows:

NATIONAL SCHOOL BOARDS ASSOCIATION,  
Evanston, Ill., May 2, 1974.

Hon. CLAIRBORNE PELL,  
U.S. Senate, Old Senate Office Building,  
Washington, D.C.

DEAR SENATOR PELL: Pursuant to his "dear colleague" letter dated April 26, 1974, Senator Buckley set forth proposed amendments to S. 1539 relating to "Protection of the Rights and Privacy of Parents and Students" (Sec. 513). In general, the National School Boards Association believes that the intent of the amendment is meritorious, but that operationally its accomplishment will generate unacceptable confusion because of the complicated legislative language and local administrative conditions associated with the approach taken in the amendment. We have been in contact with the Senator and he has some of our specific concerns under advisement. Those concerns are outlined below:

1. The amendment requires that parents have the right of access to their child's school files and that their consent be obtained prior to release of such files to third parties (with certain exceptions). However, if the rights of students are distinguishable from the rights of parents, and if the assertion of those rights should not be solely dependent upon parental willingness, the amendment should give students an independent right of access to, and consent with respect to the divulgence of, their files. At the same time, it may be advisable to impose a minimal age, such as 15 years, at which the child's independent rights would attach.

2. The amendment requires that school authorities provide parents with student files within thirty days after the request is made. As records may have to be screened in order to delete references to

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third persons, or the records sought may be stored in a central school district file or at the state level. Accordingly, while administrative footdragging can not be condoned, compliance in many instances will not be possible unless the time limit is extended to 45 days—and preferably 60 days.

3. Subsection (b) of the amendment provides that no student "participating in an applicable program" shall be required to undergo medical, psychological, et cetera, examinations without parental consent. This means that if a state or local agency is operating an examination program of that kind and is not receiving federal aid, consent is not required. But if the education agency is receiving ESEA II library funds, for example, then consent is required. The basis for this distinction is difficult to understand. Since the examination in question would be pursuant solely to a state program authorized and perhaps mandated by state law, federal legislation would be inappropriate in either case as a matter of policy. However, a different situation may arise when the education agency includes such an examination as part of one of its federal programs. If the latter situation is a proper area for federal involvement, then the overbreadth of subsection (b) (1) can be corrected if, after the words "no student" the words "participating in" are deleted and the words "as a part of," are substituted in lieu thereof.

4. Subsection (b) of the amendment also prohibits the participation of any student in an applicable program which involves any research or experimental project without the consent of the student's parent. Research and experimental project is then defined as "includes but is not limited to, any program or project designed to explore or develop new or unproven teaching methods or techniques, or to explore or develop teaching techniques or courses affecting the social development, personal behavior, or values of the student." Given the broad brush of the above definition, quite conceivably almost any classroom effort would be subject to challenge on the grounds of "new" pedagogical style or personal impact upon particular students. But even at some point short of a literal application, the above definition will grind public education into a stultifying routine rather than the creative experience which it should present for children. And, to the extent any innovation is challenged there is some question whether the Department of Health, Education and Welfare will make nationally or community based judgments as to new techniques or definitions of student values. In either case it is also questionable whether the federal government can or ought to be involved in deciding questions relating to "social development, personal behavior, or values of the student." The requirement of individual parental consent to all programs raises other questions of federal policy. We now have federally mandated state advisory committees, local advisory committees, and even in some programs, school by school parental committees. That amendment adds yet another layer to the existing stream of administrative costs and formalities associated with school board policy implementation. One might begin to ponder the role of the taxpayer voter in our education system after one more review is added on top of the governmental structure which he elects to represent him. Although this restriction only applies to federal programs (which in itself is perplexing, inasmuch that if restrictions on experimentation is the object sought, the source of funds should be irrelevant), that too is overboard. If such a restriction is really advisable, it should only be applied to ESEA Title III programs, which are designed for experimental purposes, and not to programs such as ESEA Title I or NDEA III, which are not intended to expose the child to innovative techniques on other than a random or incidental basis.

5. Subsection (c) requires parental consent for the release of personal data, except in certain instances, including the "order of administrative agencies having the power of subpoena." It would appear that a federal agency, which is so empowered, can by-pass the amendment merely by issuing a general order applicable to all students who, for example, attend a particular school, are involved in particular activities, etc. While investigations by federal officials may be necessary in certain circumstances, if the scope of the above exception is as broad as we suggest, then the basic purpose of the amendment is defeated.

6. Subsection (c) (4) of the amendment requires that a list of all persons or agencies desiring access to a student's records shall be maintained in that student's file. Although parents, students, and certain school officials should have access to that list, other persons or agencies should not—lest the student be characterized by the innuendo of previous searchers of his files.

It should be mentioned that the financial costs of producing records, implementing parental consent procedures for innovation and divulgence of information, and maintaining information requests lists are subordinate to the primary objective sought by the amendment—but should be taken into account nevertheless. Unfortunately, we do not have ample time to develop cost figures.

In summation, we urge that you withhold support for the amendment, unless the above described problems are resolved.

Sincerely,

AUGUST W. STEINHEUER,  
Assistant Executive Director, Office of  
Federal Relations.

Mr. PELL. Mr. President, I am not enthusiastic about the amendment, but it does have some merit. Section (b) concerns me.

The amendment disturbs me in that it states that:

No student shall be required to undergo . . . testing without prior written consent of the student's parents in any project.

The thought I have is that if the Senator would withdraw that section (b), we could decide the fate of his amendment by voice vote, and my voice would be saying "aye" or if he insists on leaving it in, which from my side of the aisle I do not recommend, I would have to ask for a rollcall vote.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. JAVITS. Under these circumstances the amendment could be taken to conference, but the administration has grave problems with other parts of it. Having reviewed the administration's wishes, I believe they would be susceptible to handling it in conference. However, I do not want my colleague to feel we have written letters of love that we are going to preserve all of it. I think the administration's suggestions do not change its fundamental thrust, but takes certain precautions. I hope in conference we can work it out that way.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. STEVENS. Mr. President, I have serious questions about subsection (c) which I think runs contrary to a great many Federal policies and the best interests of the student. I intend to offer an amendment to either delete that section or to modify it substantially in several

ways. I just want to let my friend from Rhode Island realize that. I hope to have a chance to have an exchange with the Senator from New York concerning that.

As I understand subsection (c), it would prevent a high school from giving to a bank that wants to send out information about its loan program to students, the names and addresses of students without consent of the students' parents. I cannot understand this overprotectionism to the point that it could not offer to those students information about Federal loan funds. One could not get the names and addresses of students in one's State to get them the information of the opportunities available under the Federal student loan program.

Under subsection (c), if I were a probation officer, I could not sit down and talk with the teacher to get personal information from the teacher about the student who was subject to a criminal process. I do not know whether the Senator realizes how many cases go through the juvenile courts these days, but it is a fantastic number.

So I hope the Senator does not think this is going to breeze through without any debate.

Mr. BUCKLEY. Mr. President—

Mr. PELL. Mr. President, I yield to the Senator from New York, on his time.

Mr. BUCKLEY. Mr. President, I believe that argument is a paper tiger. We are talking about invasion of personal, private data. My amendment does not affect matters of public record, which may be names and addresses of people who happen to be students in a school.

Mr. STEVENS. Let me read from subsection (c):

Permitting the release of records or files (of personal information contained therein) of students without the written consent of their parents to any individual, agency, or organization . . .

Does the Senator interpret that to mean a bank could not say, "Give me the names and addresses of your graduating seniors?" Does the Senator interpret that to mean a probation officer could not get information from teachers or the files that would help a juvenile accused of a crime?

As prosecuting attorney, I can tell the Senator that probation officers need such information to help the students. I think this is a shotgun approach. I applaud the Senator's desire to protect students, but we are overprotecting in this way with regard to many activities in a school. I do not want to hurt any student, but we are not going to be able to help him with this amendment. That is the trouble with it.

Mr. BUCKLEY. I believe the parents have as much interest in protecting their child as does the Senator from Alaska, but the Senator is reading into the amendment the inclusion of the simple listing of names and addresses in a student's records and files.

Mr. STEVENS. I am happy to know that, but how does a probation officer go about getting that information? I saw a lot of probation officers as district attorney. If they were to have to go to busy juvenile court judges and subpoena

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that information, or if they want to talk to teachers, they are not going to get it. I do not see the necessity for subsection (c). What is the necessity for it?

Mr. BUCKLEY. I described it in my statement. The fact that this information gets leaked out all over the place is injurious to the child. It haunts children in their later lives. I think we ought to put a stop to it.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 18 minutes remaining.

Mr. BIDEN. Mr. President, will the Senator yield me some time to ask the Senator from New York some questions?

Mr. BUCKLEY. Mr. President, I yield 5 minutes to the Senator from Delaware.

Mr. BIDEN. The Senator from New York, I think, should be complimented on this amendment. I think it is long overdue. I do not share the concerns of the Senator from Alaska. Having been a public defender, I do not think a probation officer should be able to sit down and talk with teachers about these matters. They think they are psychologists and psychiatrists, and they do more harm to the child than they help him. But my objection relates to subsection (b).

I am early cosponsor of this amendment, but I think subsection (b) should be clarified so we understand what it would do. In that section it says:

No student shall, as a part of any applicable program, be required, without the prior, informed, written consent of the student's parents, to participate in any project program, or course, the primary purpose of principal effect of which is to affect or alter the personal behavior or personal values of a student, or to explore and develop teaching techniques or courses primarily intended to affect such behavior and values.

If that were to be misread, it could be a very, very restrictive section.

I would like, for the record, to ask a few questions.

Specifically, in a school for the deaf, will a project designed to test the effectiveness of a new audiology machine be termed "research and experimentation" under this amendment?

Mr. BUCKLEY. Certainly not. This is directed toward developing new, experimental educational techniques. Certainly, new devices for helping—it is really a medical device—the deaf to hear, or new research involving such things as "new math" traditional courses—would not be affected at all by this amendment.

Mr. BIDEN. Would diagnostic tests given to students at the beginning of a course in order to gauge the strengths and weaknesses of students in various academic disciplines be considered "research"?

Mr. BUCKLEY. No; this is normal research; it is not experimental. It is not research into new research activities.

Mr. BIDEN. So it is not intended to really alter the traditional academic disciplines? The Senator is not going after that?

Mr. BUCKLEY. That is correct.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield.

Mr. ERVIN. This would prevent schools from making guinea pigs out of children and delving into their personal attitudes and their attitudes toward their families, as has been done in many schools throughout the United States. Is that correct?

Mr. BUCKLEY. Yes.

Mr. ERVIN. It is designed to prevent disclosure, except to those who are authorized to receive them, of personal data about these children. Is that correct?

Mr. BUCKLEY. The Senator is correct.

Mr. ERVIN. I am personally in favor of the proposal.

Mr. President, I am pleased to cosponsor the amendment concerning right to privacy and school records proposed by Senator BUCKLEY to S. 1539, the Elementary and Secondary Education Amendments of 1974. The issue of rights to privacy of public school pupils and their parents is one which has recently become highly publicized in many different circles, but it is a problem that has long been with us. The time has come to do something about it.

This amendment would accomplish several worthy objectives. It would give parents of public schoolchildren the right of access to their minor children's school records. Importantly, parents would be able to challenge any part of the contents of the records for their authenticity. The only persons having access to those records in addition to the parents would be school officials, the board of education, and officials at a school to which the pupil might be transferring. In order for any other person to have access to the records, the parents must give their written permission and the permission form would then become a part of the student's permanent record. In addition, no student could participate in any medical or psychological testing program without the prior, informed, and written consent of his parents. Parents of the pupils would be able to review any and all instructional materials that are used by their child's teacher.

One of the primary aspects of this new legislation is the provision stating that the schools, through the board of education, the principal, or the teacher, would bear the burden for informing the parents and students of their rights and for keeping them fully posted at all times of anything that would come within the scope of this legislation. The penalties for noncompliance with this act would be a loss of the Federal funds that had been made available to the school.

Much of the controversy concerning these school records centers around the use of classroom questionnaires that are financed by governmental grants, often the Department of Health, Education, and Welfare or a similar agency at the state or local levels of government. These questionnaires are thinly disguised as "research projects," although in actuality they often amount to highly objectionable invasions of the psychological privacy of schoolchildren. Oftentimes, the students are told that the responses they give are classified and will not be

used for any other purpose than to gather and analyze statistical data on the educational situation in the public schools. However, it has been too often demonstrated that these data stand strong possibilities of being incorporated into computerized data banks or in other ways being disseminated to persons not connected with the educational process.

The questionnaires usually cover many aspects of the student's personal life and personality. The categories cover the student's attitudes toward his home and family, his school and teachers, his feelings about himself, and his feelings about his peers and classmates. It is my belief that no governmental agency has any business conducting such inquiries unless the parents of the children are made fully aware of the subject matter of the inquiry and subsequently give their full consent. The situation now is that children are rarely given a free and unprejudiced choice of answering or not answering the questionnaires. In addition, parents would be able to request to review their children's school records and would have the right to challenge any adverse content.

Mr. President, I intend to ask soon for unanimous consent that some of these questionnaires and summaries of questionnaires be reprinted in the Record. However, I do wish to read, for purposes of emphasis, some of the more offensive questions although they are all certainly in that category. The example that I use are from public schools in the States of Maryland and New Jersey, although there exists strong evidence that these unfortunate practices know no geographical boundaries. Practically all of the questions can be answered with a yes or no or multiple choice answer. There is no room for explaining an answer:

#### HOME AND FAMILY SITUATION

Are you an important person to your family?

Would you like to run away from home?

Are your parents strict or lenient?

Do you often argue with your parents?

What types of appliances, books, furnishings, and leisure facilities do you have in your home?

#### SELF-EVALUATION

Do you admire students who are bright?

Can you give a good talk in front of people?

Do you wish you were a different child?

Do you feel lonely very often?

Are you one of the last to be chosen for games?

Do you like being just what you are?

#### SCHOOLS AND TEACHERS

Are some students favored over others by your teachers?

Do most other students want to go to school?

Who are your three best friends (complete names)?

For what reasons have you been scolded in class?

How do you rate your teachers to other teachers at your grade level?

Do you ever miss school or a class simply because you do not wish to go?

Does a diploma from your school mean that you behaved yourself or that you really learned something?

#### PEERS AND CLASSMATES

Do you have many friends?

Does being with other children bother you?



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Is it easy for you to make friends?  
Do other children get you into trouble at school?

Would you rather play with friends who are younger than you or older than you?

I certainly believe that this is most important legislation and that the Congress should act wisely and in a forthright manner to recognize the rights to privacy of public schoolchildren and their parents. I am particularly impressed by the strong bipartisan support that this amendment has received from members of Congress and from many public and private sectors of our society. I urge the Senate to adopt this Buckley amendment to the Elementary and Secondary Education Act of 1974.

In my mind school officials should not be allowed to maintain any records outside of the reach of parents, much less records of such a personal nature as those that we have seen. A parent has every right to know exactly what information is being collected concerning his children, and the provisions of this amendment constitute what I feel are minimum considerations in the protection of that right. While the measures provided for are strong, I feel the seriousness of the issue well justifies the approach. The parent must have ultimate responsibility for the well being of his children. This amendment recognizes that responsibility.

Mr. President, I ask unanimous consent that the questionnaire from the Hackensack Public Schools of Hackensack, New Jersey, be submitted for reproduction in the RECORD. In addition, I ask unanimous consent that the transcript of a press conference held on April 19, 1974, by an organization known as Parents Who Care, based in Wheaton, Md., which recounts this problem in greater detail also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HACKENSACK PUBLIC SCHOOLS,  
Hackensack, N.J.  
LEARNING EXPERIENCE MODULE—FANNY MEYER  
HILLERS SCHOOL  
STUDENT ATTITUDE INVENTORY

Name \_\_\_\_\_  
Boy \_\_\_\_\_ Girl \_\_\_\_\_ LEM \_\_\_\_\_ Grade \_\_\_\_\_  
Date \_\_\_\_\_

Directions: Listen carefully to each question and decide how you think and feel. If you don't understand a question, ask about it. Answer each question by drawing a circle around either "yes" or "no".

#### Responses

Attitude Toward Home and Family: yes, 5; no, 3.  
Attitude Toward Peers: yes, 5; no, 6.  
Attitude Toward Self: yes, 12; no, 9.  
Attitude Toward School and Teachers: yes, 13; no, 6.

#### SCHOOL AND TEACHERS

(Yes or No Answers)

1. Are your teachers interested in things you do at home?
2. Do your teachers give you work that is too hard?
3. Is the LEM a happy place for you to be?
4. Do you like to read at school?
5. When you don't understand something, are you afraid to ask?
6. Do you like to paint pictures at school?
7. Do you like to write stories at school?

8. Does your teacher help you with your work when you need help?

9. Do you like doing arithmetic problems at school?

10. Do you wish you were in a different class that was not in LEM?

11. Do you like to learn about science?

12. Does the LEM have too many rules?

13. Do you always have to do what the other children want to do?

14. Do you like the other children in the LEM?

15. Do your teachers like some children better than others?

16. Do other people at school really care about you?

17. Are you proud to be in the LEM?

18. Do you often get a chance to make decisions with others in your group?

19. Do you tell people that you like the LEM?

#### SELF

(Yes or No Answers)

1. Do you often get sick at school?
2. Can you give a good talk in front of people?
3. Do you wish you were younger?
4. Do you wish you were older?
5. Do you often feel happy in school?
6. Are you a good reader?
7. Do you wish you were a different child?
8. Can you wait your turn easily?
9. Are you good in your schoolwork?
10. Are you a good child?
11. Are you one of the last to be chosen for games?
12. Do you feel lonely very often?
13. If you have something to say, do you usually say it?
14. Do you like the teacher to ask you questions in front of the other children?
15. Do the other children in the class think you're a good worker?
16. Do you find it hard to talk to your group?
17. Are most children able to finish their schoolwork more quickly than you?
18. Do you often act silly just so people will pay attention to you?
19. Do you like most of the people you know?
20. Can you be depended on?
21. Do you like being just what you are?

#### PEERS

(Yes or No Answers)

1. Do other children get you into trouble at school?
2. Do you have to do what the other children want to do?
3. Do you like the other children in the LEM?
4. Do other children in the LEM like you?
5. Do you always let other children have their way?
6. Do you have many friends?
7. Are other children often mean to you?
8. Do your friends usually do as you say?
9. Does being with other children bother you?
10. Is it easy for you to make friends?
11. Would you rather play with friends who are younger than you?

#### HOME AND FAMILY

(Yes or No answers)

1. Are you an important person to your family?
2. Do you have certain responsibilities at home?
3. Do you tell your family when you are mad at them?
4. Would you like to run away from home?
5. Is it pleasant to stay at home on days when there is no school?
6. Do you get upset easily at home?
7. Do brothers and sisters prevent you from being happy?
8. Do your parents think school is important?

STATEMENT BY A COALITION OF CONCERNED PARENTS FROM EIGHT MARYLAND COUNTIES REPRESENTING FIVE CITIZENS ORGANIZATIONS ON INVASION OF PRIVACY BY MARYLAND PUBLIC SCHOOLS

Good Morning: My name is Malcolm Lawrence. I am Director of Public Relations for Parents Who Care, a Montgomery County citizens group founded in October 1971. In addition to the Parents Who Care group, I speak today on behalf of individuals from seven other counties in Maryland representing four other citizens organizations.

I should like to introduce the other members of the group.

Mrs. Jean Carter, from Howard County, representing Citizens Advocating Responsible Education (CARE).

Mrs. Pat Dunlap, from Prince Georges County, representing Citizens for Community Schools (CCS).

Mrs. Margaret Kuhn, from Prince Georges County, representing Guardians for Traditional Education.

The remaining individuals represent the Maryland Committee for Public Disclosure in Education; they are:

Mr. James E. English, from Allegany County.

Mrs. Gloria Donohue, from Anne Arundel County.

Mrs. Betty Fahey, from North Baltimore City.

Mrs. Isabel Fox, from West Baltimore City.

Mrs. Rita Ann Ayd, from Baltimore County.

Mrs. Jo Ann Spriggs, from Carroll County.

Mrs. Barbara M. Morris, from Howard County.

I have a statement to make, following which we shall be happy to entertain questions.

The United States Constitution guarantees to the American citizen a number of fundamental rights that can not be infringed by the federal or state governments without compelling justification. These rights include the right to marry, the right to bear children and to maintain a family, the right to control one's own body, and the right to direct the upbringing of one's children.

The essence of these rights is that they are so basic to personal liberty that they merit a high level of protection from invasions by the state. The rights we have cited are sometimes described as "fundamental" or "natural" rights inherent in American tradition or Western values; sometimes they are based upon the 14th Amendment's guarantee of liberty or the 9th Amendment's reservation of rights to the people; in other cases such rights are based on common law principles. Whatever the basis, it is clear that parents, as part of their right to raise a family, retain basic decision-making authority and responsibility concerning their children's education that cannot be abridged by the states whether by direct exclusion of the parents or by indirect exclusion through the withholding of crucial information about their children.

We have called this press conference today to express publicly our strong objections to materials and practices in the public schools of the State of Maryland which we feel constitute invasions of privacy of both students and parents. It is our view that many teachers are similarly in opposition to these materials and practices, but are unwilling to openly denounce them for fear of reprisal or dismissal from the public school system. We are urging the Governor of Maryland to take immediate steps to safeguard the rights of students, the parents, and the teachers.

Our leading candidate for removal from Maryland public schools is an extensive questionnaire which has just been given to more than 7,000 students in Howard County. The questionnaire was given as part of a research project administered by the Center for the Study of Education of Schools at Johns Hopkins University, funded by a \$200,000 grant

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that information, or if they want to talk to teachers, they are not going to get it. I do not see the necessity for subsection (c). What is the necessity for it?

Mr. BUCKLEY. I described it in my statement. The fact that this information gets leaked out all over the place is injurious to the child. It haunts children in their later lives. I think we ought to put a stop to it.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 18 minutes remaining.

Mr. BIDEN. Mr. President, will the Senator yield me some time to ask the Senator from New York some questions?

Mr. BUCKLEY. Mr. President, I yield 5 minutes to the Senator from Delaware.

Mr. BIDEN. The Senator from New York, I think, should be complimented on this amendment. I think it is long overdue. I do not share the concerns of the Senator from Alaska. Having been a public defender, I do not think a probation officer should be able to sit down and talk with teachers about these matters. They think they are psychologists and psychiatrists, and they do more harm to the child than they help him. But my objection relates to subsection (b).

I am early cosponsor of this amendment, but I think subsection (b) should be clarified so we understand what it would do. In that section it says:

No student shall, as a part of any applicable program, be required, without the prior, informed, written consent of the student's parents, to participate in any project program, or course, the primary purpose of principal effect of which is to affect or alter the personal behavior or personal values of a student, or to explore and develop teaching techniques or courses primarily intended to affect such behavior and values.

If that were to be misread, it could be a very, very restrictive section.

I would like, for the record, to ask a few questions.

Specifically, in a school for the deaf, will a project designed to test the effectiveness of a new audiology machine be termed "research and experimentation" under this amendment?

Mr. BUCKLEY. Certainly not. This is directed toward developing new, experimental educational techniques. Certainly, new devices for helping—it is really a medical device—the deaf to hear, or new research involving such things as "new math" traditional courses—would not be affected at all by this amendment.

Mr. BIDEN. Would diagnostic tests given to students at the beginning of a course in order to gage the strengths and weaknesses of students in various academic disciplines be considered "research"?

Mr. BUCKLEY. No; this is normal research; it is not experimental. It is not research into new research activities.

Mr. BIDEN. So it is not intended to really alter the traditional academic disciplines? The Senator is not going after that?

Mr. BUCKLEY. That is correct.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield.

Mr. ERVIN. This would prevent schools from making guinea pigs out of children and delving into their personal attitudes and their attitudes toward their families, as has been done in many schools throughout the United States. Is that correct?

Mr. BUCKLEY. Yes.

Mr. ERVIN. It is designed to prevent disclosure, except to those who are authorized to receive them, of personal data about these children. Is that correct?

Mr. BUCKLEY. The Senator is correct.

Mr. ERVIN. I am personally in favor of the proposal.

Mr. President, I am pleased to cosponsor the amendment concerning right to privacy and school records proposed by Senator BUCKLEY to S. 1539, the Elementary and Secondary Education Amendments of 1974. The issue of rights to privacy of public school pupils and their parents is one which has recently become highly publicized in many different circles, but it is a problem that has long been with us. The time has come to do something about it.

This amendment would accomplish several worthy objectives. It would give parents of public schoolchildren the right of access to their minor children's school records. Importantly, parents would be able to challenge any part of the contents of the records for their authenticity. The only persons having access to those records in addition to the parents would be school officials, the board of education, and officials at a school to which the pupil might be transferring. In order for any other person to have access to the records, the parents must give their written permission and the permission form would then become a part of the student's permanent record. In addition, no student could participate in any medical or psychological testing program without the prior, informed, and written consent of his parents. Parents of the pupils would be able to review any and all instructional materials that are used by their child's teacher.

One of the primary aspects of this new legislation is the provision stating that the schools, through the board of education, the principal, or the teacher, would bear the burden for informing the parents and students of their rights and for keeping them fully posted at all times of anything that would come within the scope of this legislation. The penalties for noncompliance with this act would be a loss of the Federal funds that had been made available to the school.

Much of the controversy concerning these school records centers around the use of classroom questionnaires that are financed by governmental grants, often the Department of Health, Education, and Welfare or a similar agency at the state or local levels of government. These questionnaires are thinly disguised as "research projects," although in actuality they often amount to highly objectionable invasions of the psychological privacy of schoolchildren. Oftentimes, the students are told that the responses they give are classified and will not be

used for any other purpose than to gather and analyze statistical data on the educational situation in the public schools. However, it has been too often demonstrated that these data stand strong possibilities of being incorporated into computerized data banks or in other ways being disseminated to persons not connected with the educational process.

The questionnaires usually cover many aspects of the student's personal life and personality. The categories cover the student's attitudes toward his home and family, his school and teachers, his feelings about himself, and his feelings about his peers and classmates. It is my belief that no governmental agency has any business conducting such inquiries unless the parents of the children are made fully aware of the subject matter of the inquiry and subsequently give their full consent. The situation now is that children are rarely given a free and unprejudiced choice of answering or not answering the questionnaires. In addition, parents would be able to request to review their children's school records and would have the right to challenge any adverse content.

Mr. President, I intend to ask soon for unanimous consent that some of these questionnaires and summaries of questionnaires be reprinted in the Record. However, I do wish to read, for purposes of emphasis, some of the more offensive questions although they are all certainly in that category. The example that I use are from public schools in the States of Maryland and New Jersey, although there exists strong evidence that these unfortunate practices know no geographical boundaries. Practically all of the questions can be answered with a yes or no or multiple choice answer. There is no room for explaining an answer:

#### HOME AND FAMILY SITUATION

Are you an important person to your family?

Would you like to run away from home?

Are your parents strict or lenient?

Do you often argue with your parents?

What types of appliances, books, furnishings, and leisure facilities do you have in your home?

#### SELF-EVALUATION

Do you admire students who are bright?

Can you give a good talk in front of people?

Do you wish you were a different child?

Do you feel lonely very often?

Are you one of the last to be chosen for games?

Do you like being just what you are?

#### SCHOOLS AND TEACHERS

Are some students favored over others by your teachers?

Do most other students want to go to school?

Who are your three best friends (complete names)?

For what reasons have you been scolded in class?

How do you rate your teachers to other teachers at your grade level?

Do you ever miss school or a class simply because you do not wish to go?

Does a diploma from your school mean that you behaved yourself or that you really learned something?

#### PEERS AND CLASSMATES

Do you have many friends?

Does being with other children bother you?



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from the National Institute of Education of the Department of Health, Education and Welfare (Contract No. NE-C-00-3-0114). Last year 7,200 students in grades 4, 5, 6, 8, and 11 were surveyed. This year, between February 1 and March 15, the same students were given a follow-up survey. For each class tested, a team of trained administrators from Johns Hopkins University marched in; the teacher was asked to leave the class; and the students were handed a 17-page questionnaire and told, "This is not a test. There are no right or wrong answers. Your answers will not be given to your teachers or anyone who knows you."

According to a December 1973 report of the Center for Social Organization of Schools, the Johns Hopkins study is designed to "investigate the effects of open environment schools on student reactions to school life, student self-reliance, student ability to make realistic judgments, and student achievement on standard tests of academic performance." A January 14, 1974 memorandum from the Howard County Superintendent of Schools to Directors, Supervisors, and Principals reported that three evaluating teams will operate in Howard County schools this year: the fifth year of a program being conducted by the University of Maryland, the project of Johns Hopkins University, and a study of the entire school system to be undertaken by the Institute of Field Studies of Columbia University. The Columbia study was described as a survey of data produced by the Maryland and Hopkins surveys, with the purpose of synthesizing these and other findings to come up with "recommendations for future development of the school system."

Three weeks ago, representatives from our groups called on the National Institute of Education to obtain more information on the scope of these projects and to learn where else these programs were either being undertaken or envisaged. The spokesman for the NIE did not shed any further light on the Johns Hopkins survey and refused to respond to the question as to whether NIE was also financing the University of Maryland and Columbia University projects.

I should like at this point to give the substance of a number of questions from the Johns Hopkins University survey. We have divided the questions into three general categories: 1) Family Situation, 2) Self-Evaluation, and 3) Feelings and Attitudes toward the School and Teachers.

#### First, Family Situation:

The student is asked how most decisions about him are made in the family.

How much a part he plays in the decisions.

How far in school his father went.

How far in school his mother went.

Whether his parents are strict or lenient.

If his parents want him to follow their directions even if he disagrees with their reasons.

Whether his parents often worry that he is up to something they won't like.

Whether his parents disapprove when he disagrees with them in the presence of their friends.

The student is asked whether he knows why he is supposed to do what his parents tell him to do.

Whether he has a lot of loud arguments with his parents about their rules and decisions regarding his activities.

And whether his parents treat him more like a little kid than an adult.

The student is asked if his parents have definite rules relating to the following activities:

- The time to be in at night on weekends;
- The time to be in on school nights;
- Time spent watching television;
- Going around with certain boys;
- Going around with certain girls;
- Eating dinner with the family;
- Using the telephone;
- Clothing;

Hairstyle;  
Church attendance;  
Household chores;  
Returning home from school;  
Smoking;  
Age for starting to date;  
Going steady; and  
Frequency of dating.  
The student is asked to answer YES or NO as to whether the following items are in his home:

- Telephone;
- Two telephones;
- Vacuum cleaner;
- Stereo hi-fi record player;
- Air conditioner;
- Electric dishwasher;
- Your own family washing machine;
- Your own family clothes dryer;
- Dictionary;
- Encyclopedia;
- Daily newspaper;
- Three or more magazine subscriptions;
- Black and white TV;
- Color TV;
- Car;
- Second car;
- Two bathrooms;
- Tape recorder;
- Home movie projector;
- Home slide projector;
- Typewriter;
- Piano; and
- Skis or golf clubs.

The organizations represented here today consider these questions on the family situation to be clear invasions of privacy of the student and of the home by the school system. Whatever the purpose of the Johns Hopkins University questionnaire, we strongly protest against this type of probing into the personal affairs of the student and his family life.

Let us turn next to the category of self-evaluation in the Johns Hopkins questionnaire:

Here, the student is asked whether he pretends to be busy in class when he is really just wasting time.

Whether being popular with other people his age is more important than anything else to him.

If someone often has to tell him what to do.

If he admires students who are very bright.

When he doesn't know the answer, if he will try to fake it rather than say he doesn't know.

Whether he will usually give in because he doesn't want to upset his friends.

If he is known as a person who will dare to be different.

If he knew the teacher was not going to collect his homework, whether he would do his best.

Whether he gets blamed for things that are not really his fault.

The student is asked if the best way to get ahead in life is to be nice to all people.

Whether he likes to be by himself because he has a lot of things he likes to do alone.

Whether he feels uncomfortable if he disagrees with what his friends think.

If the student sometimes feels angry when he doesn't get his way.

If it would be hard for him to face the "cold, cruel world."

If he can say "No" when his friends call him to do something with them.

He is asked whether he will put off leaving his home and friends for as long as possible.

If he didn't like the way things were going in a group, whether he would hesitate to tell the leader.

Whether he really cares if some people don't want to be friends with him.

Whether he tries to get out of doing work and hopes no one will find out.

If he prefers to let other people in a group make the decisions.

line of self-evaluation, self-analysis, self-criticism, and confession is pure and simple an invasion of psychological privacy of the child. Students of all ages are asked to direct their thoughts to introspection and unwittingly lay bare their inner-most feelings to the data collector for whatever purpose he may wish to make use of them.

Our third and final category of the Johns Hopkins test deals with feelings and attitudes toward the school and teachers:

The student is asked if he feels lost in school.

If he feels the tension build up in him when he is in school.

If he often does not know what he is supposed to do.

Whether most of his teachers want him to do things their way and not his own way.

Whether his teachers tolerate a lot of questions during a lesson.

If certain students in his classes are favored by the teachers more than the rest.

If the teachers in his school often act as if they are always right and he is wrong.

Whether he is considered weird when he gets involved and excited in his classwork.

If he daydreams a lot in class.

Whether he wants to go to school.

Whether he ever does anything exciting in class.

If he counts the minutes until the class ends.

Whether he sits on the floor in many of his classes.

Whether most other students want to go to school.

If a diploma from his school means more that you behaved yourself than that you really learned something.

He is asked if he and his teachers are: (1) on the same wave length, (2) on the same planet, (3) somewhere in the same solar system, or (4) in two different worlds.

If his classwork is: (1) great stuff, (2) good stuff, (3) OK, or (4) dull stuff.

How he would rate the ability of most of his teachers compared to teachers in other schools at his grade level: (1) far above average, (2) above average, (3) average, (4) below average, or (5) far below average.

If he and the school are: (1) good friends, (2) friends, (3) distant relatives, (4) strangers, or (5) enemies.

The student is asked to provide the full names of his three best friends.

And also the full names of students in the following categories:

Very popular with other students;

Independent;

Hard to fool; and

Fools around in class instead of working.

The student is queried as to whether he was ever scolded in class for:

fooling around;

Not paying attention;

Fighting in class

Talking back to teachers

Not handing in enough work;

Telling off a teacher; and

Shouting or laughing out loud.

If he ever stayed away from school just because he didn't want to go: (1) never, (2) 1 or 2 days, (3) 3 to 5 days, or (4) more than 5 days.

Whether he has ever cut classes just because he didn't want to go to them: (1) never, (2) 1 or 2 classes, (3) 3 to 5 classes, or (4) more than 5 classes.

A lot of the questions in the Johns Hopkins survey relating to student feelings and attitudes toward school and teachers are simply absurd and a sheer waste of time and resources. Perhaps the most ridiculous question is the one asking students to rate teachers in other schools at the same grade level. Leaving aside the ability of a young student to evaluate his teachers, how could he be expected to compare them with teachers in other schools whom he has

neither seen nor heard? A good many of the queries are negative in tone; in our judgment they foment inner frustrations in the students and create student animosity toward the teachers and the particular school attended. As I have indicated, the regular classroom teacher is not involved in this test and is therefore unable to respond or even know about the criticisms by the students. But the most damaging questions in this category are those which extract self-incriminating information from the students themselves on truancy, insolence, and other improper activities in school. Self-confessions by students on such things as fighting in class and telling off the teacher provide an evaluation team with data to be entered into a permanent personality record classifying students as maladaptive, aggressive, anti-social, emotionally disturbed, and pre-delinquent.

The Johns Hopkins test may have run its course for this year with the students, but the survey continues for teachers and parents. We are asking that this project be withdrawn forthwith and prevented from spreading to other counties in the State of Maryland.

Our second candidate for removal from Maryland public schools is a questionnaire currently being administered to 50 classes in 26 elementary schools in Montgomery County. This survey, which is being financed by the Spencer Foundation, is designed to gain insight into students' motives and goals and likes and dislikes. In addition, assessment of the children's educational growth, with both standard academic measures and some non-academic measures, will be made toward the end of the school year. According to an explanatory letter to parents by a psychologist with the Psychological Services Department of the Montgomery County Public Schools system, "characteristics of the classroom environment will be assessed by observers in a series of several visits during the year." The information gained by this project will be sent out of State and fed into computer data banks for use in diagnosing and prescribing the handling of students.

Some sample questions from the Spencer Foundation survey are:

If your parents tell you you're acting silly and not thinking clearly, it is more likely to be: (a) because of something you did or (b) because they happen to be feeling cranky?

Suppose your parents say you aren't doing well in your school work. Is this likely to happen to you: (a) because your work isn't very good or (b) because they are feeling cranky?

If your parents tell you that you are bright and clever, is it more likely: (a) because they are feeling good or (b) because of something you did?

The students are asked to answer a number of I think I am questions, circling the appropriate degree to which they are:

- Able to get along with other kids;
- Not able to figure things out in school;
- Scared to take chances;
- A good worker in school;
- Happy with myself;
- Not as smart as other kids in school;
- Trying my best in school;
- Not the way I would like to be;
- Sure of myself;
- Doing poorly in school; and
- Angry with myself.

The complaints and concerns of the organizations represented here today are by no means limited to specific surveys, such as those financed by the National Institute of Education and the Spencer Foundation. We are opposed to all abuses by the schools of the right to privacy, the right to be left alone. It so happens that the school administrative personnel are the ones who are

in the State of Maryland have found a veritable gold mine in grants, contracts, and techniques that are turning public school children into a collection of guinea pigs who are constantly being battered with questionnaires, personality tests and a variety of other inquisitions which are clearly invasions of privacy of both the student and the home.

To cite one widespread example, the Maryland State Board of Education By-laws call for a compulsory treatment of subject matter known as Interpersonal Relationships. No child in public schools in the State of Maryland may be excused from these discussions and classroom activities, which are interspersed throughout the curriculum from kindergarten through the 12th grade. Under this program, children must be subjected to all types of probes into their psyches and family situations. Here in Montgomery County, for example, elementary school children are forced to participate in the following material and questions:

Discuss family size, pointing out advantages of both large and small families.

Role play the family at dinner.

Role play an increase in conflicts with parents.

Role play other meaningful family situations.

Have children keep records of their activities; note those children who seem to be overburdened with responsibilities.

Have children write paragraph about being afraid; encourage them to verbalize their fears due to dark places, being hurt, dreams or nightmares, personal loss, experience with death, punishment, and the unknown.

Have children observe their family for a week; have them jot down notes on the way love was shown.

Have children write examples of times when they felt angry, afraid, shy.

Have role playing situations based on these experiences.

Here are some sample questions:

What kind of things make you angry?

What do you like to do when you are alone?

Should you expect to be paid for chores done at home?

Whom does your family entertain at your house?

How do you cooperate with your family?

What happens when and if you refuse to cooperate?

Do you think you are being treated fairly?

Do you think you would like to live and work alone?

What do you expect of your father and mother?

Under what circumstances have you felt unloved, unwanted, lonely, shy, or fearful?

As these examples from the K-through-6 curriculum demonstrate, the Interpersonal Relationships approach emphasizes negative attitudes; it dwells on fears, death, sorrows, anxieties, and other personal feelings and the inter-relationship of these factors with parents and the home situation. The student—particularly the younger child—has a weak defense against such techniques and can easily be induced to yield to classroom pressure or forced to work his imagination overtime for the sake of satisfying the teacher's demands.

Such prying by the schools into the home and into parental authority can be a most dangerous business. In Montgomery County, the School Board recently (August 27, 1973) approved an expanded definition of child abuse, under which teachers are asked to make official reports to the police and the social services authorities on children who have been "denied normal experiences that produce feelings of being loved, wanted, and secure." These are labelled as children who have been subjected to so-called "emotional neglect." Moreover, teachers are required to submit a report on any child who is "overworked" by his parents or exposed to "con-

charge, the school system policy stipulates "if there is any doubt or question in reporting such cases, it should be resolved in favor of the child."

It can, of course, readily be appreciated by one and all that the questions in the compulsory Interpersonal Relationships curriculum as well as a good many of the questions in the Johns Hopkins survey could provide data which may well be diagnosed incorrectly or misinterpreted by the social scientists as child abuse or child neglect cases. Moreover, many children could be labelled as what the social engineers like to call "disadvantaged children." We parents are most disturbed over this kind of role being assumed by the public schools. The schools were established in the United States to provide a service to the parents and taxpayers. The schools, therefore, work for us; not the other way around. The teachers, who in our view are thrust into and trapped in the middle of the situation, have an equally valid and justifiable complaint.

Whatever the stated goal of the educators and the social planners, the whole question of labelling children and predicting their behavior on the basis of questionnaires and classroom confessions is being challenged by parents and legal authorities throughout the United States. An important question is: Who has access to the data? Another, how will the data be used? An even more important question might be: What are the values and attitudes of the evaluators? The Congress of the United States is very much concerned with all of these questions. And we here today, who speak for five citizens organizations with representation from eight Maryland counties, feel that the Maryland State public officials should be similarly concerned.

Therefore, by letter of April 19, 1974, we are strongly urging the Governor of Maryland to take steps to remove the Johns Hopkins University survey, the Spencer Foundation survey, and all similar tests and activities from the public schools of Maryland and to charge the Maryland State Board of Education with the task of reviewing all curriculum and practices in the classrooms for the purpose of removing those parts which violate the rights of the students and the parents as guaranteed by the Constitution of the United States of America. We are saying to the Governor "Enough is enough." We are asking him to remove the inquisitions of the master social planners from our public schools and to ensure us that our educators will concentrate, instead, on the basic concepts of education which our tax dollars were intended to finance, and education that will assist and prepare our children to face a mature, real world.

Mr. BIDEN. Mr. President, is the parliamentary situation such that I still have a few minutes of the time yielded to me by the Senator from New York?

The PRESIDING OFFICER. The Senator was yielded 5 minutes. One and a half minutes of that time still remain.

Mr. BUCKLEY. Mr. President, I yield 2½ minutes to the Senator.

Mr. BIDEN. I have one question. In subsection (b) (2), does the Senator have any objection to removing the words "or principal effect" on line 19, page 3, where it reads "the primary purpose or principal effect of which \* \* \*?"

Mr. BUCKLEY. No, I do not. I think that would be very helpful. I thank the Senator from Delaware for suggesting it.

Mr. President, I ask unanimous consent that the three words at the end of line 19 on page 3 be eliminated.

The PRESIDING OFFICER. Is there

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objection? Without objection, the amendment is so modified.

Mr. BIDEN. I have no further questions of the Senator. He has indicated to me, in private and in the colloquy, that this is intended to go only to those programs which would be considered experimental. I think the single most burning issue before the country is the invasion of privacy at all levels. School records are private. No one should have access to them unless it is with the consent of the parents.

I am glad to be a cosponsor of the amendment.

Mr. HART. Mr. President, would the Senator yield for 1 minute?

The PRESIDING OFFICER. Who yields time to the Senator from Michigan?

Mr. PELL. I yield 1 minute. Which side is he on?

Mr. HART. I guess my honest answer is that I do not know which side I am on. I wish we had had a study or report on it. To say that the programs for research and experimentation are to be prevented unless the parents say OK is something unique and not really in the nature and order of the evolving educational techniques, when, on page 4 it is stated:

As used in this subsection, the term "research or experimentation project" means any project or program which is a part of an applicable program and which is authorized by an administrative officer of an education agency, a State or local education agency, or any education institution, including preschools, except that research or experimentation projects shall not include projects in the field of reading...

Maybe that is visual education. I do not know.

It seems to me that the definitions excludes experimentation on anything except speech and language. However, this is but one example of the difficulty I have and that other Senators have in considering and understanding the reach of the bill without hearings. Of course, everyone is for protecting privacy; that is great. However, what do we do with experimentation?

Mr. BUCKLEY. Mr. President, I should like to address myself to the remarks just made. First of all, the amendment explicitly excludes reading and bilingual education. However, some parents might choose to have their child take those subjects. They do not destroy the educational apparatus of this program. They do not destroy the ability to develop a program with cooperative parents. If a program is so alarming to the average parent that no parent will cooperate, then we should examine the program to see whether that program should be in effect. I do not believe that the remarks dealing with such affairs would be justified.

Mr. HART. Mr. President, what about the new math, which I still do not understand, but to which my children have been exposed? Could I say "no" if we were to adopt this amendment?

Mr. BUCKLEY. That is not at all the situation. A normal person would agree to experimentation with new math.

We are not talking about educational

disciplines or perhaps new textbooks or new apparatus, or anything else along that line. We are talking about new departures from teaching methodology.

Mr. MATHIAS. Mr. President, if the Senator would yield me a minute to pursue that line of inquiry, as much as I want to share that concept, I share with the Senator from Michigan some lack of comprehension as to whether it will do this. The Senator from Michigan raises a question about new math or any other method of teaching a new subject. What about the question I asked earlier as to whether this amendment would prevent any identification symbol? If students cannot be identified in a statistical sense, how can we make any kind of longitudinal studies as to whether a new teaching program on any subject is successful? How do we evaluate programs? How do we make any judgments beyond the isolated case of one student at a time?

Mr. BUCKLEY. Mr. President, schools are quite capable of evaluating the experience with students which they have in their own classes. I see no difficulty at all. Again, I think the Senator is emphasizing that the amendment is not destroying the ability of programs or research to go forward in the case of experimental programs.

All the amendment requires is no identification, and then the parent has the right to withdraw the child. He does not need to consent in advance. In general, the premise is that parents are generally responsible adults, having prime responsibility for their children. I have no doubt that they would act responsibly.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I yield myself 5 minutes.

I think the junior Senator from New York knows of the regard and high respect I hold for him. As much as I would like to see the Senator succeed in his proposal as he explains it, we are concerned here not with what the Senator from New York intends the language he proposes to accomplish. It is what the language would do.

This is what bureaucrats in future years will rely on, what the language in the bill is.

They will not look up the debate on the floor at the time of passage of the bill. However, the language of the bill reads specifically:

Parents should be informed in advance and in writing of the participation of their child in any research program which is part of a school program \* \* \* parents of such child objects to participation.

I believe that this language says that if there is to be a new experimental program of learning new math, or a psychological program, or something of that sort, every parent must be informed in writing. We should consider the postage and redtape involved. It would kill most new programs.

I hope the Senator from New York might be willing to withdraw at least subsection (b). I wonder what the wishes of the Senator might be in that regard.

Mr. BUCKLEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BUCKLEY. Mr. President, is it not possible to have a division ordered so that we could vote on section (b) alone?

The PRESIDING OFFICER. If it is in the pending provision, the answer is yes.

Mr. BUCKLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. DOMINICK. Mr. President, will the Senator withhold that request for just a moment?

Mr. BUCKLEY. Mr. President, I withhold my suggestion of the absence of a quorum.

Mr. DOMINICK. Mr. President, I want to ask the Senator, not about section (b), because I must say that I share my compatriot's concern over that. But on section (c) I have been very active since I became a member of the Education Subcommittee in trying to make the program available for children who are going from high school to college or graduate school.

It looks to me as though what we have done under subsection (c) is to prevent whatever institution might be seeking the records of a youngster concerning his personality to determine whether he is eligible (a) either for a loan, or (b) for a work-study program, or (c) for a well deserved and perhaps not fully qualified minority student, as to his ability to get this background without the consent of the child's parents. He may be trying to get away from the parents, who may be lusher, and he may be trained to get away from them.

Mr. BUCKLEY. I would point out that the amendment states that—

Whenever a student has attained eighteen years of age, the permission or consent required of and the rights accorded to the parents of the student shall thereafter only be required of and accorded to the student.

Mr. DOMINICK. Mr. President, I understand that. However, I would presume that the Senator from New York or any Senator, as well as the Senator from Colorado, went to college when he was 17. A great number of children go to college when they are 17.

All I can say is that I think this is just a roadblock. It is something which I do not think the Senator from New York wants to do, in which we are trying to promote this subject and are not trying to restrict it.

I think that what the Senator is driving at in section (c) is the relief of a group of people who are trying to make some kind of psychiatric research program, totally devoid of the educational process in order to get their master's thesis or write something for the Brookings Institution, or something of that kind.

I am afraid that the language goes much further than that kind of restriction.

Mr. BUCKLEY. I find it implausible that parents would not cooperate in helping a child qualify for financial help.

Mr. DOMINICK. Well, they would not



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hesitate if he were going to be bringing the financial help back home, but I know a great number of people who do not give a whoop whether their children go to college, graduate school, or anything else; in fact, they would prefer they did not, and if he is trying to get a loan all of a sudden which they may ultimately be called on to repay, they may say no.

Mr. BUCKLEY. I point out to the Senator from Colorado that on page 6, line 12, we make an exception for financial aid.

Mr. DOMINICK. That is true, I had not seen that. Does that apply to all of subsection (c)?

Mr. BUCKLEY. Yes, it does.

Mr. DOMINICK. That helps materially. I will go back to the drawing board.

Mr. BUCKLEY. I thank the Senator.

Mr. President, in an attempt to make this amendment as acceptable as possible, I would make at this time, in response to some of the concerns expressed by the Senator from Maryland and the Senator from Michigan, the following modification: On page 4, line 13, to add in, as an exception in the definition of experimental programs, after the words "bilingual education", the words "or for the development of new techniques for the teaching of traditional disciplines". I ask unanimous consent that I may so modify my amendment.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

Mr. PELL. Mr. President, reserving the right to object, I could not hear. What was the modification?

Mr. BUCKLEY. On page 4, line 13, after the word "education," I insert the words "or for the development of new techniques for the teaching of traditional disciplines."

The PRESIDING OFFICER. Without objection, the amendment is so modified.

Mr. PELL. Mr. President, I will not object to the modification, but this will be the fourth modification made on the floor. I really think this matter should be considered in the committee. I shall be compelled to vote against it, but I do not object to the modification.

Mr. BUCKLEY. May I now ask the Presiding Officer whether the Parliamentarian has made a determination as to whether section (b) would stand on its own?

The PRESIDING OFFICER. (Mr. TUNNEY). Section (b) is written in such a way that it is independent and is divisible.

Mr. BUCKLEY. Under those circumstances, Mr. President, and on condition that the sponsor will accept the balance of the sections—Mr. President, if I may have the attention of the distinguished manager of the bill—I am willing to ask for a division, so that we may vote separately on section (b), provided the manager will accept the remainder of the amendment.

Mr. PELL. I would ask for a rollcall vote on subsection (b), and as far as section (c) goes, I would ask my colleague from Alaska whether he has any objection.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. PELL. To be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. This procedure would be acceptable, and I am perfectly willing to have either a voice or a division vote on sections (a), (c), and (d).

Mr. BUCKLEY. Mr. President, before asking for a division, I ask unanimous consent to have printed in the RECORD a statement prepared by the Senator from Arizona (Mr. GOLDWATER) in support of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### STATEMENT BY SENATOR GOLDWATER

##### PARENTAL AND STUDENT RIGHTS

Mr. President, it gives me great pleasure to join with my good friend from New York, Senator Buckley, and others of my colleagues, in sponsoring an amendment to protect the right of privacy of school children and their parents. I have a particular interest in the amendment because it would legislate in the education field certain, basic safeguards for the right of personal privacy which I have been trying to get enacted for over a decade.

Subsection (a) of our amendment would provide statutory confirmation of the right of parents to see the contents of their own children's school records. Parents would also be guaranteed a right to challenge information in their child's school records and to correct any inaccurate or misleading data. This is identical to the safeguards standards which are included in S. 2810, a bill which I have introduced regarding the privacy and accuracy of personal data systems of all types.

Subsection (b) of our amendment would create a system of parental consent which would give parents a right of control over "personality" tests given to their children in the public schools. This provision is identical to legislation which I first introduced thirteen years ago, in 1961. In the early '60's, I was concerned that the new Federal authorities for direct funding of educational programs, which were just getting underway, would allow Federal monies to be spent for testing programs in which school children could be used as involuntary "guinea pigs" in experimental programs unrelated to the true purposes of education.

Needless to say, Mr. President, I was shocked to learn of the existence of surveys being conducted in our public schools which probed the most intimate personal aspects of the lives of school children and their relationships with their parents and families. I was especially surprised to discover one survey, financed with Federal funds, which consisted of some two hundred questions being asked of Junior High School students ranging in age from 11 to 14 years.

These questions inquired of the student: "Is your father fairer about punishment than your mother?"

Did you "steal more than \$2 from your parents?"

Did you "fight physically and bodily with an adult relative?"

The student was also asked to reveal to the school whether he or she had "gone further

than petting with a person of the opposite sex."

In addition, the student was asked to rate his or her own family. The student was required to give a yes or no answer, for example, to these questions:

"I wish my family had nearly as much money as the families of many of my classmates."

"Are the children in your family punished more severely than in other families?"

"I wish my father and mother were better educated, like the parents of many of my classmates."

Mr. President, these questions were just a few of the two hundred questions that were actually being asked of American school children in a questionnaire financed in part by Federal funds granted by the Department of HEW.

Yet, I was told it wasn't done. I was told it couldn't be done. On the one hand, I was informed that such questions were not permitted under the administrative interpretations of the Department. On the other, I was advised that leading "experts" believed that my amendment "would greatly inhibit much-needed educational research."

So there you have it, Mr. President. The agency told me that my amendment was not needed because it would duplicate their own policy interpretations; but that if it was put into law, it would impair research that the bureaucrats wanted to allow to go on. I never could make sense out of this, but the Department's view prevailed and the Senate rejected my amendment.

Mr. President, perhaps the climate of this country has caught up with the wishes of ordinary parents and ordinary school children. Perhaps the concept of the personal freedom of the average citizen and his family has grown to the point where Congress is willing to be the guardian of his privacy against prying and inquisitive minions of the bureaucracy.

Mr. President, our public schools have no compelling need for psychological and personality tests which pry into the private lives of a captive audience of school children. Even if the child is not specifically told that he is required to answer these tests, it would be a rare and unusual child who would dare to defy the authority of a school by refusing on his or her own initiative.

Questions of this kind are an intolerable invasion of the right of privacy. They exemplify the ever-watchful eye of "Big Brother" spying into the most personal thoughts and habits of American families, and doing it, by abusing the trust of innocent school children.

Moreover, Mr. President, these types of questions are calculated to raise doubts, suspicions, and hostility in the minds of our children toward their own parents and a skepticism about the basic moral principles of our society. In this sense, these tests could be used by governmental planners for purposes of influencing or conditioning the social and political thinking of our youth, and through them, American society.

Mr. President, the time to preserve what is left of our personal privacy is now. Sufficient thought and action must be given to the problem while there is still some measure of personal liberty left to cherish. It is for us today to determine just how much freedom shall remain for the individual in the future. I implore my colleagues to vote for the Parental and Student Rights Amendment.

Mr. President, I include the junior high school student survey which was conducted in the early 1960's, in part with Federal grants:

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JUNIOR HIGH SCHOOL GRANTS FROM THE U.S. PUBLIC HEALTH SERVICE AND THE UNIVERSITY OF KANSAS (1961)

# FACTS ABOUT YOURSELF

Please answer all questions completely.

5. How old are you? (Check only one answer.)

- (1) — 11 years or younger.
- (2) — 12 years old.
- (3) — 13 years old.
- (4) — 14 years old.
- (5) — 15 years old.
- (6) — 16 years old or older.

6. Sex:

- (1) — Boy.
- (2) — Girl.

7. What grade in school are you now in?

- (7) — Seventh grade.
- (8) — Eighth grade.
- (9) — Ninth grade.

8. Are you (check only one answer) —

- (1) — An only child?
- (2) — The youngest child in your family?
- (3) — The oldest child in your family?
- (4) — Neither the youngest nor the oldest child?

9. How many living brothers and sisters do you have?

- (0) — None.
- (1) — One.
- (2) — Two.
- (3) — Three.
- (4) — Four.
- (5) — Five or more.

10. What was the highest grade your father finished in school?

- (1) — Eighth grade or less.
- (2) — Some high school.
- (3) — Finished high school.

## PART I. RULES WE ALL BREAK

The questions in part I are about more personal things concerning you and your friends. Do you put your name or address on this questionnaire. We want to assure you that your answers will be kept completely secret and confidential. No one will ever know how you answered any of the following questions. We encourage you to be completely honest with your answers.

For the purpose of this study, we are interested in the things you have done during the last 2 years only.

11. Damage or disfigure furniture in schools, such as chairs, tables, and desks:

- (1) — No.
- (2) — Yes.

12. Steal goods from warehouses or storage-houses:

- (1) — No.
- (2) — Yes.

13. Damage cemetery property:

- (1) — No.
- (2) — Yes.

14. Damage or destroy public signs or road markers:

- (1) — No.
- (2) — Yes.

15. Steal automobile parts such as hub-caps, mirrors, ornaments, etc.

- (1) — No.
- (2) — Yes.

16. Kicked, bit or scratched a student of about your own age:

- (3) — Three or more times.
- (2) — Twice.
- (1) — Once.
- (0) — Never.

17. Get out of going to school by writing a fake excuse for yourself:

- (2) — Yes.
- (1) — No.

18. Steal or siphon gasoline from cars, trucks, or other kinds of vehicle equipment:

- (2) — Yes.
- (1) — No.

19. Damage or destroy mailboxes:

- (1) — No.
- (2) — Yes.

parents:

- (2) — Yes.
- (1) — No.

21. Puncture or cut automobile tires, bike tires:

- (1) — No.
- (2) — Yes.

22. Steal materials or equipment from buildings that are being constructed:

- (2) — Yes.
- (1) — No.

23. Kicked, scratched or bit an adult relative (mother, father, guardian, or uncle, for example):

- (0) — Never.
- (1) — Once.
- (2) — Twice.
- (3) — Three or more times.

24. Damage or destroy toys or games that belonged to persons your own age:

- (1) — No.
- (2) — Yes.

25. Steal from buildings that are being torn down:

- (1) — No.
- (2) — Yes.

26. Tied a person up with rope, string, or wire to a tree or similar object and then left them that way:

- (0) — Never.
- (1) — Alone.
- (2) — With one or more others.
- (3) — Both alone and with others.

27. Steal things from your parents that were worth more than \$2:

- (2) — Yes.
- (1) — No.

28. Teased severely, hurt or killed a cat or dog:

- (1) — Alone.
- (2) — With one or more others.
- (0) — Never.
- (3) — Both alone and with others.

29. Scratch the paint on someone's car on purpose:

- (1) — No.
- (2) — Yes.

30. Steal more than \$2 (money) from your brothers or sisters:

- (2) — Yes.
- (1) — No.

31. Skip school with one or more friends or classmates:

- (2) — Yes.
- (1) — No.

32. Steal articles of clothing worth more than \$5 from clothing or department stores:

- (1) — No.
- (2) — Yes.

33. Become so mad or angry that you threw things at or hit a teacher or principal or other school official:

- (3) — Both alone and with others.
- (0) — Never.
- (1) — Alone.
- (2) — With one or more others.

34. Steal a bicycle from anyplace other than a place that sells bicycles (like from neighborhoods, school grounds, or public places where bikes may be parked):

- (2) — Yes.
- (1) — No.

35. Remove spark plugs or wires from cars:

- (1) — No.
- (2) — Yes.

36. Steal a car for joyride without the owner's knowledge or permission:

- (2) — Yes.
- (1) — No.

37. Break or crack windows in automobiles:

- (1) — No.
- (2) — Yes.

38. Skip school with three or more friends or classmates:

- (2) — Yes.
- (1) — No.

39. Steal articles of clothing worth less than \$5 from clothing store or department store:

- (2) — Yes.
- (1) — No.

(2) — Yes.

40. Damage flowerbeds or gardens on purpose:

- (2) — Yes.
- (1) — No.

41. Steal gasoline from gas stations, farms, or other private places:

- (1) — No.
- (2) — Yes.

42. Taken part in fights where knives or switchblades were used:

- (1) — No.
- (2) — Yes.

43. Steal a bicycle from a store that sells or repairs bikes:

- (2) — Yes.
- (1) — No.

44. Skip out of certain class periods, but not the whole day, without permission (like gym class or student assemblies):

- (2) — Yes.
- (1) — No.

45. Fought physically and bodily with an adult relative such as mother, father, or aunt (that is, fought in anger or fear, not in sheer fun):

- (0) — Never.
- (1) — Alone.
- (3) — Both alone and with others.
- (2) — With one or more others.

46. Steal things (not money) from your brothers or sisters that were worth more than \$2:

- (2) — Yes.
- (1) — No.

47. Get out of school early by pretending to your teacher that you were sick or not feeling well:

- (2) — Yes.
- (1) — No.

48. Steal anything because an adult asked you to steal it:

- (1) — No.
- (2) — Yes.

49. Beat up a person much older than yourself in a fight:

- (0) — Never.
- (2) — With one or more others.
- (1) — Alone.
- (3) — Both alone and with others.

50. Steal more than \$2 (money) from your friends or classmates:

- (2) — Yes.
- (1) — No.

51. Damage parking meters on purpose (break glass, jam slot):

- (1) — No.
- (2) — Yes.

52. Steal jewelry worth more than \$3 from jewelry, department, dime or drug stores:

- (2) — Yes.
- (1) — No.

53. Skipped school or stayed out of school without a genuine excuse for more than 1 day:

- (1) — No.
- (2) — Yes.

54. Damage or break coin machines of any kind on purpose:

- (1) — No.
- (2) — Yes.

55. Damage or ruin personal clothing of classmates or other schoolchildren:

- (1) — No.
- (2) — Yes.

56. Get out of going to school by pretending to your parents that you were sick:

- (2) — Yes.
- (1) — No.

57. Steal more than \$2 (money) from candy, coke, or cigarette machines:

- (2) — Yes.
- (1) — No.

58. Leave home with intention of going to school, but just never making it to school (without a good reason):

- (1) — No.
- (2) — Yes.

59. Injured or hurt someone not in your



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family, but arranged matters so that someone else got the blame:

- (1) — Alone.
- (2) — With one or more others.
- (3) — Both alone and with others.
- (0) — Never.

60. Steal more than \$2 from school:

- (2) — Yes.
- (1) — No.

61. Leave school early without permission:

- (2) — Yes.
- (1) — No.

62. Try to "get by" without paying the bill in restaurants, cafes, soda fountains:

- (1) — No.
- (2) — Yes.

63. Skip school by yourself without good excuse from parents:

- (2) — Yes.
- (1) — No.

64. Taken part in a gang fight against another gang or against one or two other persons:

- (1) — Once.
- (2) — Twice.
- (3) — Three or more times.
- (0) — Never.

65. Steal things from inside of parked cars:

- (1) — No.
- (2) — Yes.

66. Break windows on purpose in vacant homes, garages, or other buildings:

- (1) — No.
- (2) — Yes.

67. Damage or destroy anything because someone "dared" you to do it:

- (1) — No.
- (2) — Yes.

68. Steal things worth more than \$2 from foodstores:

- (2) — Yes.
- (1) — No.

69. Damage school property other than chairs, tables, and desks:

- (1) — No.
- (2) — Yes.

70. Curse or use obscene language in speaking to a teacher or other school official:

- (2) — Yes.
- (1) — No.

71. Steal anything and then sell it to an older teenager or adult:

- (1) — No.
- (2) — Yes.

72. Damage or destroy anything that belonged to another person, in order to "get even" with that person:

- (1) — No.
- (2) — Yes.

73. Steal money from public telephones or parking meters:

- (1) — No.
- (2) — Yes.

74. Hit or strike a teacher, coach, or other school official:

- (2) — Yes.
- (1) — No.

75. Take part in fights where BB guns, air-pellet guns, or slingshots were used:

- (1) — No.
- (2) — Yes.

76. Tease or embarrass someone by stripping or taking his or her clothes off?

- (2) — Yes.
- (1) — No.

77. Damage or destroy anything "just for the heck of it":

- (1) — No.
- (2) — Yes.

78. Steal less than \$2 (money) from candy, coke, or cigarette machines:

- (2) — Yes.
- (1) — No.

#### PART II. ALONE OR WITH OTHERS

Instructions.—We are interested in how certain rules are broken. Some people break rules only when they are with others, some break rules only when they are alone, and other persons. For each item, check the box that applies to you. If it does not apply to you, leave that item blank.  
In the last 2 years, did you:

Only when alone	Only with other persons	Both alone and with other persons
(1)	(2)	(3)

11. Steal hubcaps, mirrors, etc. from cars.
12. Puncture or cut tires, convertible tops, scratch the paint on cars.
13. Tie a person up with rope or string and left them that way.
14. Tease, hurt, kill harmless animals.
15. Steal clothing worth less than \$5.
16. Steal a car for a joyride.
17. Beat up a person much older than you.
18. Damage or break coin machines.
19. "Get by" without paying the bill in cafes, soda shops, movies, other events.
20. Damage school property on purpose.
21. Steal things in order to sell them.
22. Damage or destroy road markers, signs, mailboxes, street lights.
23. Steal anything worth more than \$5 but less than \$50.
24. Beat up an adult for his money.
25. Steal anything worth \$50 or more.
26. Break into and enter a locked store, gas station, or other buildings.

#### PART III. YOUR SOCIAL ACTIVITIES

Instructions.—In this section are statements about what some boys and girls do most of the time in their time after school and on weekends. Read each statement and decide whether it fits you or does not fit you as you are right now or during this year. If the statement is true of you, that is, if you would say "Yes" to the statement, put a No. 1 next to it. If the statement is not true of you, that is, if you would say "No" to the statement, put a No. 2 next to it.

Be sure to read and to answer each statement with a 1 or a 2. If it fits you fairly well but not exactly, put a 1.

Answers.—Put 1 for a "Yes." Put 2 for a "No."

27. I spend a lot of time with one special friend who is not a member of my family.
28. I stick pretty much to myself.
29. I never disobey my parents.
30. I spend a lot of time with one friend at a time, although I have several close friends.
31. I spend a lot of time with two or three friends. The group of us play together.
32. I do some talking about or listening to talk about sexual matters when I am with my friends.
33. I play with a large group of four or more children in or near my home neighborhood.
34. I mostly play alone or with my brothers or sisters.
35. I belong to a group that is often chased after by some adults such as storekeepers, police, or homeowners.
36. I never catch cold in the winter or spring.
37. I play with friends my parents do not like.
38. I never tell lies.
39. I often share secrets and ideas or hopes with my friends.
40. I have taken part in kissing and necking while on a date or while alone with a person of the opposite sex.
41. Most of my friends are my own age or between 11 and 14.
42. I have never spent a night in a detention home or jail.

43. Most of my friends are 2 or 3 years older than I am.

44. I have petted with a person of the opposite sex while on dates or when we were alone.

45. Most other boys and girls like me.

46. I try to get other boys and girls to like me.

47. I have gone further than petting with a person of the opposite sex.

48. I care a great deal about what other boys (or girls) think of me.

49. I want to be different somehow from others in my own age group.

50. I have answered ads in comic books or other magazines which advertised pictures, photographs, or stories about sexual matters.

51. I like most of all to spend my free time alone.

52. Some of my friends do not like the way I act.

#### PART IV. LEISURE ACTIVITY AND FAMILY LIFE

Instructions.—The statements in this section are like those in the section you just completed. But these have to do with how you spend your spare time and how you are treated by your parents.

Read each statement. If it applies to you as you are right now or have been during this year, mark the statement with a 1 for a "Yes." If it does not apply to you, mark it with a 2 for a "No."

The statements.—Write 1 for a Yes, and 2 for a No.

53. Do you spend more of your free time with your friends than with your family?

54. Do you go to dances more than once a month?

55. Do you go out with your mother or father more than once a month? (Movies, dining, social events, etc.)

56. Is your father fairer about punishment than your mother?

57. Do you study schoolwork at home less than five times a week?

58. Is your mother fairer about punishment than your father?

59. Do you work at a part-time job once or more a week?

60. When you do something extra, do your parents reward you with praise or special privileges or with money?

61. Do you help around the house doing chores almost every day?

62. When you have done something wrong or "bad" do your parents try to reason with you?

63. Do you usually attend at least one movie a week?

64. Are some children in your family punished more severely than others?

65. Do you spend time after supper at a local hangout (drugstore, soda shop, bowling alley, etc.) at least two times a month?

66. Do your parents get all the facts before they punish you?

67. Do you usually have one or two dates a month or more?

68. Are the children in your family punished more severely than in other families?

69. Do you think that your friends have better ideas than your parents do about what a young person should do in his spare time?

70. Do you usually spend three or more evenings a week away from home?

71. Are the children in your family ever punished when they do not need it?

72. Does your father punish you when your mother does not think you should be punished?

73. Would you like to spend more of your free time with your friends than your parents now allow?

74. Does your mother punish you when your father does not think you should be punished?

75. Do you feel your mother punishes you fairly?

76. Do you feel your father punishes you fairly?

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77. Below is a line that stands for your grades or marks in school this year, thinking of them lumped together. Make only one check (✓) where you best fit.  
 "A" or best possible, 100.  
 "B" or high, 90.  
 "C" or average, 80.  
 "D" or below average, 70.  
 "F" or failing, 60.

## PART V. GUESSING CAUSES

*Instructions.*—Reprinted below is a news story that appeared not long ago in the Kansas City Star. After you read the story carefully, pretend that you are talking the story over with some school friends. None of you knew the boy in the story directly or indirectly, but you are all *guessing* about why he did what the police claim he did. Then the questions that follow the story, indicating what your guesses would probably be. (Names and places in the story have been added or changed.)

*The story*

The Kansas City Police last night arrested Walter Stevens, age 13, who was caught by Police Sergeant Daniels. Daniels charged the boy with stealing coins from the coin machine and washing machines in the Whirlaway Laundromat. The policeman said he saw Stevens pry open the coin slots on the machines and remove quarters and dimes. He had \$15 in coins in his pocket when arrested.

The boy's mother, Mrs. William Stevens, said she thought her son was at work at his part-time job in the nearby Roll Em Bowling Alley. He had worked there 2 nights a week for 3 months, she said, and had been earning about 60 cents an hour. The boy's father, William Stevens, 48, is a clerk in the central post office. He works the night shift and was away at the time of the arrest.

Walter Stevens is a seventh grade student at Wiltmore Junior High School. The Wiltmore principal, Mr. John Savage, reported that young Stevens had been doing very poorly in school for several months, and said that he had been expelled once for breaking school property and had often skipped school.

When interviewed, young Stevens told this reporter that his father had to work such long hours that he was very seldom home and that his mother was often ill and had to remain in bed. He claimed, "Nobody at school understands me or tries to help me."

*Instructions.*—Now check the statements below that you think provide the best possible explanations for why Walter Stevens did what he did. Remember that these are guesses and that all of them may be true or all may be false.

Put a 1 if you agree, and a 2 if you disagree.

11. Walter wanted to get more money than he could earn at his job in order to help his poor parents.—

12. Walter was lonely and unhappy at school, where no one understood him.—

13. Walter was raised by bad standards and had not been taught properly what was right and wrong.—

14. Walter had everything against him. He was bound to get into trouble when everything at school and at home went wrong.—

15. Walter was fired from his job at the bowling alley but didn't want to worry his mother, who needed the money he had been giving her.—

16. A gang of young boys managed by a professional thief had organized stealing from laundromats and other service stores, and Walter had fallen in with this gang through his acquaintances at the bowling alley.—

17. Walter liked to steal and had probably been stealing one thing and another for several years before he was caught.—

18. Walter was sick, mentally or physically,

but no one at school or at home understood this and helped him.—

19. Other children at school had been selfish and unkind in the past and had kept Walter from building any friendships. His loneliness led him to steal.—

20. Older boys in a gang really broke the coin machines and did the stealing, but they left Walter, who thought they were his friends, when they heard the police car and dumped the coins into his pocket.—

21. Walter's parents had never taken him to Sunday School, where he could have learned what is right and wrong.—

22. Walter wanted to find a way to get decent clothes and money for an allowance. His parents could not give him these things, but he needed them to try to make friends at school.—

## PART VI. WISHES

Below are listed some wishes that have been expressed by boys and girls in other junior high schools. Read each wish carefully. Then check the wish with an X if you feel it is a wish that you have made or thought about any time during this year. If the wish does not fit you, leave it blank.

Check (X) here

23. I wish I could buy my lunch in the cafeteria more often.—

24. I wish I could afford to go to the movies as often as many of the others in my school.—

25. I wish my family could take me on vacation trips like those that many of the persons in my school have enjoyed.—

26. I wish I were able to dress as well as most or many of the persons in my school.—

27. Many of the students in my class will get to go to college some day, but I probably won't get the chance.—

28. I wish I were physically better built or more attractive.—

29. I wish I were as attractive to the opposite sex as many of my schoolmates.—

30. I wish I could join the Boy or Girl Scouts like many of my classmates.—

31. I wish my parents were more understanding, like the mothers and fathers of many of my classmates.—

32. I wish my family had nearly as much money as the families of many of my classmates.—

33. I might like to be an engineer or a scientist when I grow up, but I probably will not get the chance.—

34. I won't have as good opportunities when I grow up as many of my classmates.—

35. I wish my parents were not so strict with me, and more like the parents of many of my classmates in this way.—

36. I wish my parents were a little more strict with me, like the parents of many of my classmates.—

37. I wish my father and mother were better educated, like the parents of many of my classmates.—

38. I wish my father had as good a job as many of my classmates' fathers.—

39. I wish I could go on dates the way many of my classmates do.—

Now write down one wish that you have felt strongly about this past year.

## PART VII. SOCIAL VALUES AND FEELINGS

Please answer each question by making a check in the space next to agree or disagree. There are no right or wrong answers. Just report your opinion.

40. Watching television programs such as "Sugarfoot" and the "Donna Reed Show" and "Dobie Gillis" is boring or dull and a waste of time:

(0)—Agree.

(1)—Disagree.

41. Having a coke in a drugstore with other boys and girls after school or on a week end is dull and a waste of time:

(0)—Agree.

(1)—Disagree.

42. Watching school athletic contests is boring and a waste of time:

(0)—Agree.

(1)—Disagree.

43. Watching school basketball or football games is fun:

(1)—Agree.

(0)—Disagree.

44. Television programs such as "Cheyenne" and "National Velvet" and "Lassie" are fun to watch:

(1)—Agree.

(2)—Disagree.

45. The people who get the best jobs when they grow up are usually the people who have friends who do favors for them, rather than the people who are best trained or educated:

(0)—Agree.

(1)—Disagree.

46. Teachers give their praise and recognition to the students who find a way to become their special favorites, whether these students are good workers in school or not:

(0)—Agree.

(1)—Disagree.

47. Most teachers do not really like to help students:

(0)—Agree.

(1)—Disagree.

48. Teachers give their praise and recognition to the students who work the hardest and learn the most:

(1)—Agree.

(0)—Disagree.

49. The popular children in any school are the ones who have earned the respect and admiration of other students:

(1)—Agree.

(0)—Disagree.

50. Teachers have such different ideas about what you are supposed to learn in school that it is impossible to get a clear idea of what is best:

(0)—Agree.

(1)—Disagree.

51. People have such different ideas about what is right and wrong that you can't ever get clear ideas on this question:

(0)—Agree.

(1)—Disagree.

52. Once some teachers decide that a certain boy or girl is "bad" or a "troublemaker," there is nothing you can do to change their minds:

(0)—Agree.

(1)—Disagree.

53. Teachers can usually tell quite well who is learning a lesson and who is not:

(1)—Agree.

(0)—Disagree.

54. Most parents have very clear ideas about how their children should act on dates and about matters like kissing:

(1)—Agree.

(0)—Disagree.

55. People in any town have a lot to say about how their town government is run:

(1)—Agree.

(0)—Disagree.

56. The children and adults in any town can help the police do a good job of enforcing the law:

(1)—Agree.

(0)—Disagree.

57. Students in junior high schools never have any say or influence in what they are taught in their classes.

(0)—Agree.

(1)—Disagree.

58. So many other people voted in the national election last fall that it didn't matter to me whether my parents voted or not.

(0)—Agree.

(1)—Disagree.

59. If a group of children decide they do not like you, there is nothing much you can do to change their minds:

(0)—Agree.

(1)—Disagree.

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## PART VIII. WAYS OF DISCIPLINING YOUNG PEOPLE

Below are various ways by which many parents discipline children and young people. Please answer each question by checking the choice which best tells how your parents have disciplined you during the last 2 years. Answer each question for your mother and your father separately.

Do your parents take away your allowance?

61. Father:  
(0) —Never.  
(1) —Very seldom.  
(2) —Sometimes.  
(3) —Frequently.

62. Mother:

- (0) —Never.  
(1) —Very seldom.  
(2) —Sometimes.  
(3) —Frequently.

Do your parents refuse to speak to you?

63. Mother:  
(1) —Very seldom.  
(2) —Sometimes.  
(3) —Frequently.  
(4) —Never.

64. Father:

- (2) —Sometimes.  
(0) —Never.  
(3) —Frequently.  
(1) —Very seldom.

Have your parents slapped you or given you spankings?

65. Mother:  
(3) —Frequently.  
(2) —Sometimes.  
(0) —Never.  
(1) —Very seldom.

66. Father:

- (2) —Sometimes.  
(3) —Frequently.  
(1) —Very seldom.  
(0) —Never.

Do your parents forbid you to do something that you were especially planning on doing?

67. Father:  
(3) —Frequently.  
(2) —Sometimes.  
(0) —Never.  
(1) —Very seldom.

68. Mother:

- (3) —Frequently.  
(2) —Sometimes.  
(0) —Never.  
(1) —Very seldom.

Do your parents tell you to leave home, or to find a new home if you can't be better?

69. Mother:  
(1) —Very seldom.  
(2) —Sometimes.  
(0) —Never.  
(3) —Frequently.

70. Father:

- (2) —Sometimes.  
(0) —Never.  
(3) —Frequently.  
(1) —Very seldom.

Do your parents spank you with a stick, belt, hairbrush, or things other than their hands?

71. Mother:  
(1) —Very seldom.  
(0) —Never.  
(3) —Frequently.  
(2) —Sometimes.

72. Father:

- (0) —Never.  
(3) —Frequently.  
(2) —Sometimes.  
(1) —Very seldom.

Do your parents take away some special privileges?

73. Mother:  
(2) —Sometimes.  
(3) —Frequently.  
(0) —Never.

74. Father:

- (2) —Sometimes.  
(3) —Frequently.

(0) —Never.

(1) —Very seldom.

Do your parents say they don't love you or warn you that they will stop loving you?

75. Father:

- (3) —Frequently.  
(2) —Sometimes.  
(0) —Never.  
(1) —Very seldom.

76. Mother:

- (2) —Sometimes.  
(3) —Frequently.  
(1) —Very seldom.  
(0) —Never.

Have your parents beat you up (using their fists, etc.)?

77. Father:

- (2) —Sometimes.  
(0) —Never.  
(3) —Frequently.  
(1) —Very seldom.

78. Mother:

- (3) —Frequently.  
(2) —Sometimes.  
(1) —Very seldom.  
(0) —Never.

Mr. PELL. Mr. President, I ask for the yeas and nays on section (b).

The yeas and nays were ordered.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. Is this amendment still open to amendment?

The PRESIDING OFFICER. Is the amendment open to amendment?

Mr. STEVENS. Yes.

The PRESIDING OFFICER. The Senator from New York has requested the division of his amendment, and section (b) will be voted on separately. All the rest will be voted on by voice vote first.

Mr. STEVENS. Is it in order to submit an amendment to delete subsection (c) at this time.

The PRESIDING OFFICER. That would be in order now.

Mr. STEVENS. I send such an amendment to the desk.

The PRESIDING OFFICER. Have the Senator from New York and the Senator from Rhode Island yielded back their time?

Mr. PELL. My recollection is not acute on that. What does the RECORD show?

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. PELL. I yield it back.

Mr. BUCKLEY. I yield back the remainder of my time.

The PRESIDING OFFICER. The clerk will state the amendment of the Senator from Alaska.

The assistant legislative clerk read as follows:

On page 4, line 14, delete subsection (c).

Mr. STEVENS. Mr. President, I again applaud what the Senator from New York is trying to do, but I think any proposal that has to have so many amendments on the floor to try to perfect the original intent is a measure that should not be passed.

Subsection (a) is a good subsection. Subsection (b), as I read it, on protection of personal data, gives the Secretary and the schools the right to protect personal

essary to control the use, dissemination, or protection of such data.

Subsection (c) is not necessary, and what is more, again I point out that it would harm the students. It would prevent those with legitimate interests from going to a school and getting the information that is necessary. It would prevent the Senator from New York from deciding to recommend a student for some national award without going and telling him, if he was over 18. One would have to have his consent to get any information from his record.

It would prevent a probation officer— notwithstanding the argument of my good friend from Delaware, I still have faith in the probation system, and I think the probation officer ought to be able to go in and get the information necessary not only when a student is subject to a juvenile proceeding, but in order to continue the work that he has to do during the period before a juvenile is sentenced. Many times they have to keep up with what they are doing. It is a probation officer's duty to find out what he is doing in school, or whether he is attending school. This would even prevent a probation officer from getting attendance data. I cannot understand us putting such a cloak of secrecy around a student.

On the other hand, subsection (c), as I understand it, gives the school authorities complete authority to adopt appropriate regulations. That would be subject to the Administrative Procedures Act. Everyone concerned would be involved in a hearing.

This has not been the subject of hearings by committee, and I do not think it is the kind of thing that ought to be passed on the floor of the Senate without further consideration. Therefore, to save time, I ask the deletion of that section.

I yield back the remainder of my time.

Mr. PELL. Mr. President, I think there is merit in what the Senator from Alaska says, and I would vote the same way. I yield back the remainder of my time.

Mr. BUCKLEY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield back his time?

Mr. PELL. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. NUNN). All time has now been yielded back—

Mr. ERVIN. Mr. President, a parliamentary inquiry. What are we voting on?

The PRESIDING OFFICER. On the amendment of the Senator from Alaska (Mr. STEVENS) to strike section (c).

Mr. BUCKLEY. Mr. President, I do not believe I yielded back my time yet.

The PRESIDING OFFICER. On the Stevens amendment, the Senator from New York does not have any time.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senator from New York (Mr. BUCKLEY) may have 5 minutes to respond. I think that is only fair.

The PRESIDING OFFICER. Is there unanimous-consent re-



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quest of the Senator from Alaska? The Chair hears none, and it is so ordered.

Mr. BUCKLEY. Mr. President, if the distinguished Senator from North Carolina (Mr. ERVIN) wants to address himself to that point, I yield to him to do so.

Mr. President, I would merely say that the area addressed by the Senator from Alaska (Mr. STEVENS) is but one area. Probation reports have also been leaked to the FBI, and other files as well. This is an area of extreme sensitivity. I do not believe that, absent appropriate court orders, this information should be made available.

Mr. ERVIN. Mr. President, section (d), as I understand it, provides that—

The Secretary shall adopt appropriate regulations to protect the rights of privacy of students and their families in connection with any surveys or data-gathering activities conducted, assisted, or authorized by the Secretary . . .

I do not see any objection to protecting the privacy of children. I do not see that they should be made guinea pigs by social scientists. That is why I support the bill.

Mr. STEVENS. Mr. President, with all due respect to the distinguished Senator from North Carolina, my amendment is to delete section (c), not (d).

Mr. BUCKLEY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Alaska (Mr. STEVENS) to strike section (c).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUE), the Senator from Utah (Mr. MOSS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Alabama (Mr. SPARKMAN), the Senator from Texas (Mr. BENTSEN), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOK), the Senator from Florida (Mr. GURNEY), the Senator from New York (Mr. JAVITS), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. CURTIS), and the Senator from Arizona (Mr. GOLDWATER) are absent on official business.

I further announce that, if present and voting, the Senator from Nebraska (Mr. CURTIS) would vote "nay."

The result was announced—yeas 35, nays 49, as follows:

YEAS—35

Alken	Haskell	Nunn
Bayh	Hathaway	Packwood
Bible	Huddleston	Pell
Byrd, Robert C.	Jackson	Proxmire
Cannon	Kennedy	Ribicoff
Clark	Magnuson	Stennis
Cotton	McGee	Stevens
Dominick	McGovern	Stevenson
Eagleton	McIntyre	Taft
Griffin	Metcalfe	Talmadge
Hart	Metzenbaum	Williams
Hartke	Nelson	

NAYS—49

Abourezk	Dole	McClure
Allen	Domenici	Mondale
Baker	Eastland	Montoya
Bartlett	Ervin	Muskie
Beall	Fannin	Pastore
Bellmon	Fong	Pearson
Biden	Hansen	Roth
Brock	Hatfield	Schweiker
Brooke	Helms	Scott, Hugh
Buckley	Hruska	Scott,
Burdick	Hughes	William L.
Byrd,	Humphrey	Stafford
Case	Johnston	Thurmond
Chiles	Long	Tower
Church	Mansfield	Tunney
Cranston	Mathias	Welcker
	McClellan	Young

NOT VOTING—16

Bennett	Gravel	Percy
Bentsen	Gurney	Randolph
Cook	Hollings	Sparkman
Curtis	Inouye	Symington
Fulbright	Javits	
Goldwater	Moss	

So Mr. STEVENS' amendment was rejected.

Mr. CRANSTON. Mr. President, the Senator from New York (Mr. BUCKLEY) has proposed an amendment regarding the confidentiality of student records and requiring parental consent for certain school activities that causes me some concern.

The first portion of the amendment seeks to guarantee the right of access and review of a students school records, by parents and by students—if 18 years of age or over—and prevent the disclosure of such records to most third parties without parental or student consent.

I would wholeheartedly support this portion of the Senator's amendment. It seems to me that it seeks to preserve a right to confidentiality of records of student academic and personal performance that should be guaranteed. I would point out, however, that in my State of California, this right of access and review is presently guaranteed under the California Public Records Act.

The section of the amendment that deals with "parental consent," however, causes me serious concern.

First, I question the advisability of the Congress enacting legislation that, in effect, would thwart a State's compulsory attendance laws. Under this amendment, a parent may refuse to have his child attend a class if, after notification, the parent finds the content of the course or activity to be objectionable. While I do not object to "parental consent," I do question Federal interference in what I believe to be a question that should be decided by locally elected school officials, rather than the Federal Government.

Second, subsection (b) (2) of the amendment would require parental consent for students—and I quote:

To participate in any project, program, or course, the primary purpose or principal effect of which is to affect or alter the personal behavior or personal values of a student, or to explore and develop teaching techniques or courses primarily intended to affect such behavior and values.

Mr. President, this language is breathtaking in its sweeping generalities. How do you determine in advance, and provide notification to the parent, of classroom activities that might bear on the values of a student? A course in American history, for example, that discusses contemporary American ethics in the light of Watergate could be construed as tending to "affect the personal values" of a student. Or, how do you go about discouraging violent or overly aggressive behavior without tending to "alter the personal behavior" of a student?

These are serious questions, Mr. President, that we cannot take lightly. Because the penalty for even accidental transgression of these Federal directives is the total loss of Federal funding to any educational institution—public or private, preschool through postsecondary—that is found "out of compliance."

Finally, Mr. President, the amendment directs the Secretary of Health, Education, and Welfare with the responsibility for—and again, I quote:

Investigating, processing, reviewing, and adjudicating violations of the provisions of this section and complaints.

Frankly, I question the wisdom of charging a Federal agency with the power to probe the questions that would have to be probed in order to investigate complaints of alleged violations of the act. Such questions could include:

Was the purpose of the course to affect the values of the child, or were they affected accidentally, or at all?

Even if the purpose of the course was not to alter the values of the child, did it have the effect or altering the values of the child?

What were the values of the child before they were "altered"?

Mr. President, I believe my point is obvious: This section of the Senator's amendment brings the Federal Government and its agencies dangerously close to deciding issues of academic and personal freedom that should be in the hands of local and State school officials, and the people who elected them, not the Federal Government.

I do not believe the Senate of the United States should take any action that could be legitimately construed as having the primary effect of circumventing local control of curriculum and school practices, discouraging innovation, or stifling educational reform.

For these reasons, and because I support the major premise of the Senator's amendment, I would hope he would consider deleting the section of the amendment to which I have referred.

The PRESIDING OFFICER. The question now occurs on the first part of the amendment of the Senator from New York.

Mr. PELL. The vote is now on section

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(b), is it not? What is the parliamentary situation?

The PRESIDING OFFICER. The question now occurs on all of the amendment except section (b).

The amendment was agreed to.

The PRESIDING OFFICER. The question now occurs on section (b) of the amendment. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. MANSFIELD. Mr. President, what are we voting on?

The PRESIDING OFFICER. On section (b) of the Buckley amendment.

The second assistant legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, precisely what is this?

The PRESIDING OFFICER. The roll-call is now in progress.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The question is on the adoption of section (b) of the Buckley amendment.

Mr. HUMPHREY. Up and down on section (b)?

The PRESIDING OFFICER. That is correct.

The question is on the adoption of section (b) of the Buckley amendment.

The clerk will call the roll.

The second assistant legislative clerk resumed and concluded the call of the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUE), the Senator from Utah (Mr. MOSS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOK), the Senator from Florida (Mr. GURNEY), the Senator from New York (Mr. JAVITS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. CURTIS) and the Senator from Arizona (Mr. GOLDWATER) are absent on official business.

I further announce that, if present and voting, the Senator from Nebraska (Mr. CURTIS) would vote "yea."

The result was announced—yeas 40, nays 43, as follows:

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YEAS—40

Baker	Ervin	Nelson
Bartlett	Fannin	Pastore
Beall	Fong	Pearson
Bellmon	Griffin	Proxmire
Brock	Hansen	Roth
Buckley	Helms	Scott, Hugh
Byrd	Hruska	Scott,
Harry F., Jr.	Huddleston	William L.
Byrd, Robert C.	Johnston	Stennis
Chiles	Mansfield	Taft
Church	McClellan	Thurmond
Dole	McClure	Tower
Domenici	McGovern	Wicker
Eastland	Eagleton	Wyden

Abourezk	Hart	Metzenbaum
Aiken	Hartke	Mondale
Allen	Haskell	Muskie
Bayh	Hatfield	Nunn
Bible	Hathaway	Pell
Biden	Hughes	Ribicoff
Brooke	Humphrey	Schweiker
Burdick	Jackson	Stafford
Cannon	Kennedy	Stevens
Case	Long	Stevenson
Clark	Magnuson	Talmadge
Cotton	Mathias	Tunney
Cragston	McGee	Williams
Dominick	McGovern	
Eagleton	McIntyre	

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Bennett	Gravel	Packwood
Bentsen	Gurney	Percy
Cook	Hollings	Randolph
Curtis	Inouye	Sparkman
Fulbright	Javits	Symington
Goldwater	Moss	

So section (b) of Mr. BUCKLEY's amendment (No. 1289) was rejected.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. EAGLETON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. I yield to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. DOMINICK. Mr. President, I yield to the Senator from Missouri.

Mr. EAGLETON. Mr. President, I ask unanimous consent that James Murphy and Marsha McCord be accorded the privileges of the floor during consideration of the education bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 200TH ANNIVERSARY OF THE FIRST CONTINENTAL CONGRESS

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that action on Senate Concurrent Resolution 85 taken this morning be reconsidered, and that it be amended in three respects.

I send the amendments to the desk and ask the clerk to read the concurrent resolution as it would be so modified.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will read the concurrent resolution, as modified.

The assistant legislative clerk read the concurrent resolution, as modified, together with its preamble, as follows:

SENATE CONCURRENT RESOLUTION 85

Whereas, the meeting at Carpenters' Hall in the City of Philadelphia in the Colony of Pennsylvania from September 5 to October 26, 1774, which has become known as the First Continental Congress, will have observed during 1974 its two hundredth anniversary; and

Whereas, the actions of that Congress in uniting, for the first time, the thirteen disparate American Colonies to seek redress of their many grievances against the Parliament and King of England, set in motion a series of events leading to the meeting of the Second Continental Congress which produced the Declaration of Independence and guided the new Nation through the American War for Independence; and

Whereas, the precedents set by the meeting

of the first Congress in 1774 form the foundation upon which rests the principles and practices of the existing Congress of the United States of America; and

Whereas, October 14, 1774 was the date on which the delegates to the first Congress adopted the Declaration and Resolves, expressing to the King of England their rights as Englishmen and their determination to achieve those rights, and is therefore, in itself, an historic date; and

1. The first resolve is amended to read as follows: "Resolved by the Senate (the House of Representatives concurring) that it is the sense of Congress that October 14, 1974 be proclaimed a Day of National Observance for the 200th Anniversary of the First Continental Congress and that the people of our nation be called upon to fittingly observe and honor this important date in our country's history;"

2. The second resolve is designated as Section 2 and is amended to read as follows:

"Sec. 2. That the President Pro Tempore of the Senate and the Speaker of the House be authorized to select, upon the recommendation of the respective majority and minority leaders, four members of each House to represent the Congress of the United States of America at ceremonies in Carpenters' Hall, Philadelphia on October 14, 1974 and to present at said ceremonies to a representative of the City of Philadelphia a copy of this Resolution; and"

3. That the following new language be designated as Section 3:

"Sec. 3. That the expenses of the Members are authorized to be paid from the contingency funds of the Senate and House of Representatives as approved, respectively, by the Committee on Rules and Administration and the Committee on House Administration."

The Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. Without objection, the three amendments are agreed to.

Without objection, the resolution as amended is agreed to.

Without objection, the preamble is agreed to.

EDUCATION AMENDMENTS OF 1974

The Senate continued with the consideration of the bill (S: 1539) to amend and extend certain acts, relating to elementary and secondary education programs, and for other purposes.

Mr. DOMINICK. Mr. President, I had an amendment to the McClellan amendment earlier today to part (b), which I added, and which was adopted, and I ask unanimous consent that the Secretary may make a technical correction in it which will extend it for as long as the bill presently extends, instead of cutting it off shorter.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BUCKLEY. Mr. President, I call up my amendments No. 1306.

The PRESIDING OFFICER. The clerk will read the amendments.

The assistant legislative clerk proceeded to read the amendments.

Amendments No. 1306 are as follows:

On page 330, between lines 17 and 18, insert the following new section:

"LIMITATION ON WITHHOLDING OF FEDERAL FUNDS

"Sec. 513. Part C of the General Education Amendments of 1974, amended by adding at the end thereof the following new section:

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Secondary Ed. App.

NPT

Approved For Release 2002/01/02 : CIA-RDP76M00527R000700060020-6

# *Federal Open School Records Law: Two Principles in Conflict*

By EDWARD B. FISKE

Watergate and the social movements of the decade that preceded it produced substantial public support for measures that would assure openness and accountability on the part of institutions and guarantee the right of privacy for individuals.

**News Analysis** The new Federal

law that went into effect last week giving parents and adult students the right to inspect students' school records is a product of this type of concern. The reaction that the law has evoked among college administrators, though, is a sign that in some instances the two principles — accountability and privacy — may come into conflict.

The new law was introduced by Senator James L. Buckley, the Republican-Conservative of New York, as an amendment to the Elementary and Secondary School Act of 1974.

It gives parents the right to inspect and challenge the content of their children's school records at all levels and restricts the right of institutions to show the records to outsiders without

consent. At the age of 18 these rights pass from the parent to the students themselves.

The law was prompted by abuses reported at the elementary and secondary school level, such as the case of a boy who returned hurriedly and unzipped from the bathroom and had the observation that he showed "exhibitionist" tendencies placed in his file.

## **Sparked by Abuses**

John Kwapisz, a staff assistant to Senator Buckley, told a recent panel discussion that the so-called "Buckley Amendment" was aimed not only at ending such specific abuses but also attacking "authoritarian" practices of many school administrators whereby a student "has no knowledge as to what elements are involved in a decision made about him."

The amendment was added during Senate floor debate, after the hearing and committee process had been completed, and it was only after passage that higher education interests began to realize implications it held

for them. In the last few weeks, a major lobbying effort has been under way to delay implementation until hearings can be held.

The colleges' primary objection is that, as now worded, the law would force them to show students letters of recommendation that were solicited under the promise of confidentiality. They argue that this violates the rights of the authors of the documents, and most colleges are taking advantage of a 45-day grace period and refusing to show students the letters. "We have an obligation to the writers," said George Howard, registrar at Williams College.

Senator Buckley has indicated that the surrender of confidentiality in regard to existing records was not his intention and that he will submit new legislation to exempt such material.

The potential conflict of accountability and privacy becomes complex, however, in regard to future letters. College administrators fear that knowledge that the student will have access to what they will write will affect their candor and make them virtually useless.

"This will destroy the whole admissions process



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and force us back on statistical means like grades and test scores," said Arnold L. Goen, vice-chancellor of New York University.

#### Reliance on Informality

Others predict that the result will be increased reliance on informal means of communication and a net loss in the accountability that is sought. "The pressure will be considerable to rely on phone calls or other less explicit and off the record methods," said Richard Lyman, president of Stanford University.

Some officials note that the destruction of such records once the admissions process is completed is not really an option because of the possibility that a court might call upon the institution to justify an admissions decision in cases of alleged discrimination.

Supporters of the law, on the other hand, disagree with the colleges' arguments. William Rioux, an official of the National Committee for Citizens in Education, for instance, predicted that the ultimate result will be "more thoughtful letters."

"People will be less cavalier about what they write if they know they may be

called upon to explain it," he said. "There will be less inclination to engage in homespun psychology. Eventually people will get their sights adjusted to what it is all about: an open system."

Senator Buckley has indicated that he is willing to propose a compromise that would allow students to waive their right of access to specific documents, but this has not generated a great deal of enthusiasm. "It just wouldn't work at a large university," said Mr. Goren.

The potential conflicts of accountability and privacy also arises in the possibility that students would have access to their parents' income tax statements submitted as part of requests for financial aid. The Colleges maintain that this constitutes an invasion of the parents' own right of privacy.

A spokesman for Senator Buckley acknowledged that this is a debatable point but added, "The parent are still supporting the student, so they ought to be in a position to work out an arrangement with him themselves. I don't see that the college ought to be in the position of protecting parent-child relationships."

In pressing for a delay in

implementing the new law, colleges have charged that, by bypassing the hearing process, Senator Buckley failed to consider their own rights to have their needs expressed.

The spokesman for Senator Buckley, however, replied that the education committees in the Senate and House had shown themselves to be overly responsible to the interests of educational institutions and that any delay pending hearings would undermine the rights of parents and students.

"The education groups are all very well organized and funded, but the students aren't," he said. "They have little clout with the committees."



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